

1 ***-0183/2.44*** SECTION 2415. 252.10 (6) (b) of the statutes is amended to read:

2 252.10 (6) (b) The state department shall determine by rule the reimbursement
3 for each visit rate under par. (a) for services as ordered by a physician shall be \$6 or
4 a greater amount prescribed in rules promulgated by the department. If an X-ray
5 is taken, an additional \$6 or any greater amount prescribed in rules promulgated by
6 the department will be credited. Any X-ray taken outside a facility under this
7 section or outside a facility approved under s. 252.08 on individuals who have a
8 significant reaction to a test for mycobacterium tuberculosis shall qualify for state
9 aid in the same manner as an X-ray taken inside a facility, and the X-ray shall take
10 the place of the first X-ray eligible for reimbursement as part of a case finding and
11 preventive program under par. (e). The administration and reading of the test for
12 mycobacterium tuberculosis for diagnostic purposes shall be considered one visit.
13 Tests for mycobacterium tuberculosis given in school programs, employment health
14 programs, community preventive and case finding programs are not reimbursable
15 as a clinic visit.

16 ***-0183/2.45*** SECTION 2416. 252.10 (6) (c) of the statutes is repealed.

17 ***-0183/2.46*** SECTION 2417. 252.10 (6) (d) of the statutes is repealed.

18 ***-0183/2.47*** SECTION 2418. 252.10 (6) (e) of the statutes is repealed.

19 ***-0183/2.48*** SECTION 2419. 252.10 (6) (f) of the statutes is repealed.

20 ***-0183/2.49*** SECTION 2420. 252.10 (6) (g) of the statutes is amended to read:

21 252.10 (6) (g) The reimbursement by the state under pars. (a) to (f) and (b) shall
22 apply only to funds that the department allocates for the reimbursement under the
23 appropriation under s. 20.435 (5) (e).

24 ***-0183/2.50*** SECTION 2421. 252.10 (7) of the statutes, as affected by 1997
25 Wisconsin Act 156, is amended to read:

1 252.10 (7) Drugs necessary for the treatment of mycobacterium tuberculosis
2 shall be purchased by the department from the appropriation under s. 20.435 (5) (e)
3 and dispensed to patients through the public health dispensaries ~~or through health~~
4 ~~care providers, as defined in s. 146.81 (1), other than massage therapists or~~
5 ~~bodyworkers issued a license of registration under subch. X of ch. 440, social workers,~~
6 ~~marriage and family therapists or professional counselors certified under ch. 457,~~
7 ~~speech language pathologists or audiologists licensed under subch. II of ch. 459,~~
8 ~~speech and language pathologists licensed by the department of public instruction~~
9 ~~or dietitians certified under subch. V of ch. 448, local health departments, physicians~~
10 ~~or advanced practice nurse prescribers.~~

11 ***-0183/2.51*** **SECTION 2422.** 252.10 (9) of the statutes is amended to read:

12 252.10 (9) Public health dispensaries shall maintain such records as are
13 required by the department to enable them to carry out their responsibilities
14 designated in this section and in rules promulgated by the department. Records
15 ~~shall be submitted annually to the department as soon as possible after the close of~~
16 ~~each fiscal year and not later than August 15 following may be audited by the~~
17 ~~department.~~

18 ***-0183/2.52*** **SECTION 2423.** 252.14 (1) (d) of the statutes is amended to read:

19 252.14 (1) (d) "Inpatient health care facility" means a hospital, nursing home,
20 community-based residential facility, county home, county mental health complex,
21 ~~tuberculosis sanatorium~~ or other place licensed or approved by the department
22 under ~~ss. s.~~ s. 49.70, 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073~~
23 ~~and 252.076~~ or a facility under s. 45.365, 48.62, 51.05, 51.06, 233.40, 233.41, 233.42
24 or 252.10.

25 ***-2105/1.40*** **SECTION 2424.** 252.15 (1) (ab) of the statutes is amended to read:

1 252.15 (1) (ab) "Affected person" means an emergency medical technician, first
2 responder, fire fighter, peace officer, correctional officer, person who is employed at
3 a secured correctional facility, as defined in s. 938.02 (15m), ~~or at a secured child~~
4 caring institution, as defined in s. 938.02 (15g), or a secured group home, as defined
5 in s. 938.02 (15p), state patrol officer, jailer or keeper of a jail or person designated
6 with custodial authority by the jailer or keeper, health care provider, employe of a
7 health care provider or staff member of a state crime laboratory.

8 ***-2105/1.41*** SECTION 2425. 252.15 (2) (a) 7. a. of the statutes is amended to
9 read:

10 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
11 emergency medical technician, first responder, fire fighter, peace officer, correctional
12 officer, person who is employed at a secured correctional facility, as defined in s.
13 938.02 (15m), ~~or at a secured child caring institution, as defined in s. 938.02 (15g),~~
14 or a secured group home, as defined in s. 938.02 (15p), state patrol officer, jailer or
15 keeper of a jail or person designated with custodial authority by the jailer or keeper
16 who, during the course of providing care or services to an individual; or a peace
17 officer, correctional officer, state patrol officer, jailer or keeper of a jail or person
18 designated with custodial authority by the jailer or keeper who, while searching or
19 arresting an individual or while controlling or transferring an individual in custody;
20 or a health care provider or an employe of a health care provider who, during the
21 course of providing care or treatment to an individual or handling or processing
22 specimens of body fluids or tissues of an individual; or a staff member of a state crime
23 laboratory who, during the course of handling or processing specimens of body fluids
24 or tissues of an individual; is significantly exposed to the individual may subject the
25 individual's blood to a test or a series of tests for the presence of HIV, antigen or

1 nonantigenic products of HIV or an antibody to HIV and may receive disclosure of
2 the results.

3 ***-0027/5.32* SECTION 2426.** 253.07 (4) (intro.) of the statutes is amended to
4 read:

5 253.07 (4) FAMILY PLANNING SERVICES. (intro.) From the appropriation under
6 s. 20.435 (5) (~~eg~~) (cb), the department shall allocate funds in the following amounts,
7 for the following services:

8 ***-0027/5.33* SECTION 2427.** 253.08 of the statutes is amended to read:

9 **253.08 Pregnancy counseling services.** The department shall make grants
10 from the appropriation under s. 20.435 (5) (~~eg~~) (cb) to individuals and organizations
11 to provide pregnancy counseling services. For a program to be eligible under this
12 section, an applicant must demonstrate that moneys provided in a grant under s.
13 20.435 (5) (~~eg~~) (cb) will not be used to engage in any activity specified in s. 20.9275
14 (2) (a) 1. to 3.

15 ***-0027/5.34* SECTION 2428.** 253.085 (2) of the statutes is amended to read:

16 253.085 (2) In addition to the amounts appropriated under s. 20.435 (5) (~~ev~~)
17 (cb), the department shall allocate \$250,000 for each fiscal year from moneys
18 received under the maternal and child health services block grant program, 42 USC
19 701 to 709, for the outreach program under this section.

20 ***-1186/4.41* SECTION 2429.** 253.10 (3) (d) 1. of the statutes is amended to read:

21 253.10 (3) (d) 1. Geographically indexed materials that are designed to inform
22 a woman about public and private agencies, including adoption agencies, and
23 services that are available to provide information on family planning, as defined in
24 s. 253.07 (1) (a), including natural family planning information, to provide
25 ultrasound imaging services, to assist her if she has received a diagnosis that her

1 unborn child has a disability or if her pregnancy is the result of sexual assault or
2 incest and to assist her through pregnancy, upon childbirth and while the child is
3 dependent. The materials shall include a comprehensive list of the agencies
4 available, a description of the services that they offer and a description of the manner
5 in which they may be contacted, including telephone numbers and addresses, or, at
6 the option of the department, the materials shall include a toll-free, 24-hour
7 telephone number that may be called to obtain an oral listing of available agencies
8 and services in the locality of the caller and a description of the services that the
9 agencies offer and the manner in which they may be contacted. The materials shall
10 provide information on the availability of governmentally funded programs that
11 serve pregnant women and children. Services identified for the woman shall include
12 ~~aid to families with dependent children under s. 49.19,~~ medical assistance for
13 pregnant women and children under s. 49.47 (4) (am), ~~the job opportunities and basic~~
14 ~~skills program under s. 49.193,~~ the availability of family or medical leave under s.
15 103.10, the Wisconsin works program under ss. 49.141 to 49.161, child care services,
16 child support laws and programs and the credit for expenses for household and
17 dependent care and services necessary for gainful employment under section 21 of
18 the internal revenue code. The materials shall state that it is unlawful to perform
19 an abortion for which consent has been coerced, that any physician who performs or
20 induces an abortion without obtaining the woman's voluntary and informed consent
21 is liable to her for damages in a civil action and is subject to a civil penalty, that the
22 father of a child is liable for assistance in the support of the child, even in instances
23 in which the father has offered to pay for an abortion, and that adoptive parents may
24 pay the costs of prenatal care, childbirth and neonatal care. The materials shall
25 include information, for a woman whose pregnancy is the result of sexual assault or

1 incest, on legal protections available to the woman and her child if she wishes to
2 oppose establishment of paternity or to terminate the father's parental rights. The
3 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
4 tone services are obtainable by pregnant women who wish to use them and shall
5 describe the services.

6 ***-0178/2.3* SECTION 2430.** 253.12 of the statutes is repealed and recreated to
7 read:

8 **253.12 Birth defect prevention and surveillance system. (1)**

9 DEFINITIONS. In this section:

10 (a) "Birth defect" means any of the following conditions affecting an infant or
11 child that occurs prior to or at birth and that requires medical or surgical
12 intervention or interferes with normal growth and development:

13 1. A structural deformation, disruption or dysplasia.

14 2. A genetic, inherited or biochemical disease.

15 (b) "Pediatric specialty clinic" means a clinic the primary purpose of which is
16 to provide pediatric specialty diagnostic, counseling and medical management
17 services to persons with birth defects by physician subspecialist.

18 (c) "Infant or child" means a human being from birth to the age of 2 years.

19 (d) "Physician" has the meaning given in s. 448.01 (5).

20 **(2) REPORTING.** (a) Except as provided in par. (b), all of the following shall report
21 in the manner prescribed by the department under sub. (3) (a) 3. a birth defect in an
22 infant or child:

23 1. A hospital or pediatric specialty clinic in which the birth defect is diagnosed
24 in an infant or child or treatment for the birth defect is provided to the infant or child.

1 2. A physician who diagnoses the birth defect or provides treatment to the
2 infant or child for the birth defect.

3 3. A clinical laboratory that identifies a birth defect in the infant or child as the
4 result of laboratory analysis.

5 (b) No person specified under par. (a) 1. to 3. need report under par. (a) if that
6 person knows that another person specified under par. (a) 1. to 3. has already
7 reported to the department the required information with respect to the same birth
8 defect of the same infant or child.

9 (c) Upon request of the department, a physician, hospital or pediatric specialty
10 clinic shall provide to the department information contained in the medical records
11 of patients who have a confirmed or suspected birth defect diagnosis. The physician,
12 hospital or pediatric specialty clinic shall provide that information within 10
13 working days after the department requests it.

14 **(3) DEPARTMENT DUTIES AND POWERS.** (a) The department shall do all of the
15 following:

16 1. Establish and maintain an up-to-date registry that documents the
17 diagnosis in this state of any infant or child who has a birth defect, regardless of the
18 residence of the infant or child. The department shall include in the registry
19 information that will facilitate all of the following:

20 a. Identification of risk factors for birth defects.

21 b. Investigation of the incidence, prevalence and trends of birth defects using
22 epidemiological surveys.

23 c. Development of preventive strategies to decrease the occurrence of birth
24 defects.

1 2. Specify by rule the birth defects the existence of which requires a report
2 under sub. (2) to be submitted to the department.

3 3. Specify by rule the content, format and procedures for submitting a report
4 under sub. (2).

5 (b) The department may monitor the data contained in the reports submitted
6 under sub. (2) to ensure the quality of that data and to make improvements in
7 reporting methods.

8 (4) COUNCIL ON BIRTH DEFECT PREVENTION AND SURVEILLANCE. The council on
9 birth defect prevention and surveillance, created under s. 15.197 (12), shall make
10 recommendations to the department regarding the establishment of a registry that
11 documents the diagnosis and treatment in the state of an infant or child who has a
12 birth defect, as required under sub. (3) (a) 1. and regarding the rules that the
13 department is required to promulgate under sub. (3) (a) 2. and 3.

14 (5) CONFIDENTIALITY. (a) Any information contained in a report made to the
15 department under sub. (2) that may specifically identify the subject of the report is
16 confidential. The department may not release that confidential information except
17 to the following, under the following conditions:

18 1. The parent or guardian of an infant or child for whom a report is made under
19 sub. (2).

20 2. A local health officer, upon receipt of a written request and informed written
21 consent from the parent or guardian of the infant or child. The local health officer
22 may disclose information received under this subdivision only to the extent
23 necessary to render and coordinate follow-up care for the infant or child or to conduct
24 a health, demographic or epidemiological investigation. The local health officer shall

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1 destroy all information received under this subdivision within one year after
2 receiving it.

3 3. A physician, hospital or pediatric specialty clinic reporting under sub. (2),
4 for the purpose of verification of information reported by the physician, hospital or
5 pediatric specialty clinic.

6 4. A representative of a federal or state agency upon written request and to the
7 extent that the information is necessary to perform a legally authorized function of
8 that agency, including investigation of causes, mortality, methods of prevention,
9 treatment or care of birth defects, associated diseases or disabilities. The
10 information may not include the name or address of an infant or child with a
11 condition reported under sub. (2). The department shall notify the parent or
12 guardian of an infant or child about whom information is released under this
13 subdivision, of the release. The representative of the federal or state agency may
14 disclose information received under this paragraph only as necessary to perform the
15 legally authorized function of that agency for which the information was requested.

16 (b) The department may also release confidential information to a person
17 proposing to conduct research if all of the following conditions are met:

18 1. The person proposing to conduct the research applies in writing to the
19 department for approval to perform the research and the department approves the
20 application. The application for approval shall include a written protocol for the
21 proposed research, the person's professional qualifications to perform the proposed
22 research and any other information requested by the department.

23 2. The research is for the purpose of studying birth defects surveillance and
24 prevention.

1 3. If the research will involve direct contact with a subject of a report made
2 under sub. (2) or with any member of the subject's family, the department determines
3 that the contact is necessary for meeting the research objectives and that the
4 research is in response to a public health need or is for the purpose of or in connection
5 with birth defects surveillance or investigations sponsored and conducted by public
6 health officials. The department must also determine that the research has been
7 approved by a certified institutional review board or a committee for the protection
8 of human subjects in accordance with the regulations for research involving human
9 subjects required by the federal department of health and human services for
10 projects supported by that agency. Contact may only be made in a manner and
11 method approved by the department.

12 4. The person agrees in writing that the information provided will be used only
13 for the research approved by the department.

14 5. The person agrees in writing that the information provided will not be
15 released to any person except other persons involved in the research.

16 6. The person agrees in writing that the final product of the research will not
17 reveal information that may specifically identify the subject of a report made under
18 sub. (2).

19 7. The person agrees in writing to any other conditions imposed by the
20 department.

21 ***-1164/5.3* SECTION 2431.** 254.31 (1) (b) of the statutes is created to read:

22 254.31 (1) (b) The tailings or waste produced by the extraction or concentration
23 of uranium or thorium from any ore processed primarily for its source material
24 content.

25 ***-1164/5.4* SECTION 2432.** 254.31 (2) of the statutes is created to read:

1 254.31 (2) "Decommissioning" means conducting final operational activities at
2 a nuclear facility to dismantle site structures, to decontaminate site surfaces and
3 remaining structures, to stabilize and contain residual radioactive material and to
4 carry out any other activities necessary to prepare the site for postoperational care.

5 ***-1164/5.5* SECTION 2433.** 254.31 (2m) of the statutes is created to read:

6 254.31 (2m) "General license" means a license, under requirements prescribed
7 by the department by rule, to possess, use, transfer or acquire by-product material
8 or devices or equipment utilizing by-product material without the filing of a license
9 application by a person or issuance of licensing confirmation by the department.

10 ***-1164/5.6* SECTION 2434.** 254.31 (3) of the statutes is renumbered 254.31 (1)
11 (intro.) and amended to read:

12 254.31 (1) (intro.) "By-product material" means any ~~radioactive~~ of the
13 following:

14 (a) Radioactive material (~~except special nuclear material~~), yielded in or made
15 radioactive by exposure to the radiation incident to the process of producing or
16 utilizing special nuclear material.

17 ***-1164/5.7* SECTION 2435.** 254.31 (3g) of the statutes is repealed and recreated
18 to read:

19 254.31 (3g) "Ionizing radiation" means all radiations capable of producing ions
20 directly or indirectly in their passage through matter, including all of the following:

21 (a) Electromagnetic radiations, including X-rays and gamma rays.

22 (b) Particulate radiations, including electrons, beta particles, protons,
23 neutrons, alpha particles and other nuclear particles.

24 ***-1164/5.8* SECTION 2436.** 254.31 (5) of the statutes is created to read:

1 254.31 (5) "Radiation generating equipment" means a system, manufactured
2 product or device or component part of such a product or device that, during
3 operation, is capable of generating or emitting ionizing radiation without the use of
4 radioactive material. "Radiation generating equipment" does not include a device
5 that emits nonionizing radiation.

6 *-1164/5.9* **SECTION 2437.** 254.31 (6) of the statutes is amended to read:

7 254.31 (6) "Radiation installation" is any location or facility where radiation
8 ~~machines are generating equipment is~~ used or where radioactive material is
9 produced, transported, stored, disposed of or used for any purpose.

10 *-1164/5.10* **SECTION 2438.** 254.31 (7) of the statutes is repealed.

11 *-1164/5.11* **SECTION 2439.** 254.31 (8) of the statutes is renumbered 254.31
12 (9m) and amended to read:

13 254.31 (9m) "Radioactive material" includes any solid, liquid or gaseous
14 substance which emits ionizing radiation spontaneously, including
15 ~~accelerator-produced material, by-product material, naturally occurring material,~~
16 source material and special nuclear material.

17 *-1164/5.12* **SECTION 2440.** 254.31 (9) of the statutes is amended to read:

18 254.31 (9) "Radiation source" means a radiation ~~machine generating~~
19 equipment or radioactive material ~~as defined herein.~~

20 *-1164/5.13* **SECTION 2441.** 254.31 (11g) of the statutes is created to read:

21 254.31 (11g) "Specific license" means a license, under requirements prescribed
22 by the department by rule, to possess, use, manufacture, produce, transfer or acquire
23 radioactive material or devices or equipment utilizing radioactive material.

24 *-1164/5.14* **SECTION 2442.** 254.31 (11m) of the statutes is created to read:

1 254.31 (11m) "Transuranic" means a radioactive material having an atomic
2 number that is greater than 92.

3 *-1164/5.15* **SECTION 2443.** 254.31 (12) of the statutes is amended to read:

4 254.31 (12) "X-ray tube" means any electron tube ~~which~~ that is contained in
5 a device and that is specifically designed for the conversion of electrical energy into
6 X-ray energy.

7 *-1164/5.16* **SECTION 2444.** 254.33 of the statutes is amended to read:

8 **254.33 Public policy.** Since radiations and their sources can be instrumental
9 in the improvement of the health and welfare of the public if properly utilized, and
10 may be destructive or detrimental to life or health if carelessly or excessively
11 employed or may detrimentally affect the environment of the state if improperly
12 utilized, it is hereby declared to be the public policy of this state to encourage the
13 constructive uses of radiation and to prohibit and prevent exposure to radiation in
14 amounts which are or may be detrimental to health. It is further the policy for the
15 department to advise, consult and cooperate with ~~the department of commerce and~~
16 other agencies of the state, the federal government, other states and interstate
17 agencies and with affected groups, political subdivisions and industries; and, in
18 general, to conform as nearly as possible to nationally accepted standards in the
19 promulgation and enforcement of rules.

20 *-1164/5.17* **SECTION 2445.** 254.335 of the statutes is created to read:

21 **254.335 Agreements with the U.S. nuclear regulatory commission**
22 **transition.** (1) The governor may, on behalf of the state, enter into agreements with
23 the U.S. nuclear regulatory commission, as provided in 42 USC 2021 (b), to
24 discontinue certain federal licensing and related regulatory authority with respect

1 to by-product material, source material and special nuclear material and to assume
2 state regulatory authority.

3 (2) Any person who, on the effective date of an agreement specified under sub.
4 (1), possesses a license issued by the U.S. nuclear regulatory commission that is
5 subject to the agreement is considered to possess a specific license issued under s.
6 254.365 (1) (a) or to fulfill requirements specified for a general license under s.
7 254.365 (1) (b). The specific license expires 90 days after the date of receipt by the
8 person from the department of a notice of expiration of the license or on the date of
9 expiration that was specified in the license issued by the U.S. nuclear regulatory
10 commission, whichever is earlier.

11 ***-1164/5.18* SECTION 2446.** 254.34 (1) (intro.) of the statutes is amended to
12 read:

13 254.34 (1) (intro.) ~~The department and the department of commerce is the state~~
14 radiation control agency and shall do all of the following:

15 ***-1164/5.19* SECTION 2447.** 254.34 (1) (a) of the statutes is amended to read:
16 254.34 (1) (a) ~~Formulate, adopt and enforce, amend and repeal~~ Promulgate and
17 enforce rules, including registration and licensing of sources of ionizing radiation, as
18 may be necessary to prohibit and prevent unnecessary radiation. ~~Such exposure.~~
19 The rules may incorporate by reference the recommended standards of nationally
20 recognized bodies in the field of radiation protection and other fields of atomic energy,
21 under the procedure established by s. 227.21 (2). The rules for by-product material,
22 source material and special nuclear material may be no less stringent than the
23 requirements under 42 USC 2011 to 2114 and regulations adopted under 42 USC
24 2011 to 2114.

1 ***-1164/5.20* SECTION 2448.** 254.34 (1) (c) of the statutes is renumbered 254.34
2 (1) (c) (intro.) and amended to read:

3 254.34 (1) (c) (intro.) Develop comprehensive policies and programs for the
4 evaluation and, determination and reduction of hazards associated with the use of
5 radiation, ~~and for their amelioration. that are compatible with requirements of the~~
6 U.S. nuclear regulatory commission for the regulation of by-product material,
7 source material and special nuclear material. The department shall maintain all of
8 the following records:

9 ***-1164/5.21* SECTION 2449.** 254.34 (1) (c) 1. of the statutes is created to read:
10 254.34 (1) (c) 1. Files of all license applications, issuances, denials, transfers,
11 renewals, modifications, suspensions and revocations under s. 254.365.

12 ***-1164/5.22* SECTION 2450.** 254.34 (1) (c) 2. of the statutes is created to read:
13 254.34 (1) (c) 2. Files of all registrants under s. 254.35 and any related
14 administrative or judicial action.

15 ***-1164/5.23* SECTION 2451.** 254.34 (2) (intro.) of the statutes is amended to
16 read:

17 254.34 (2) (intro.) The department, ~~serving as the lead agency, and the~~
18 ~~department of commerce~~ may:

19 ***-1164/5.24* SECTION 2452.** 254.34 (4) of the statutes is renumbered 254.34
20 (1) (h) 5.

21 ***-1164/5.25* SECTION 2453.** 254.345 of the statutes is created to read:

22 **254.345 Assessment of Fee.** (1) The department may annually assess a fee
23 of 36% of the U.S. nuclear regulatory commission license application fee and
24 materials license annual fee, for any licensee of the U.S. nuclear regulatory
25 commission in this state. The fee amounts shall be used by the department for the

1 department's activities under this subchapter. The department may revise the fee
2 amounts by rule.

3 (2) This section does not apply after December 31, 2002.

4 ***-1164/5.26* SECTION 2454.** 254.35 (1) of the statutes is amended to read:

5 254.35 (1) APPLICATION. ~~Every~~ For every site in this state ~~having that has~~ an
6 ionizing radiation installation, ~~that is~~ not exempted by this section or the rules of the
7 department ~~shall be registered by the department by January 1, 1964, by,~~ the person
8 in control of ~~an the~~ installation, including installations in sites that are administered
9 by a state agency or in an institution under the jurisdiction of a state agency, ~~and no~~
10 ~~such shall, prior to operation, register the ionizing radiation installation with the~~
11 ~~department.~~ No ionizing radiation installation may be operated thereafter unless
12 the site has been duly registered by January 1 of each year and a notice of the
13 registration is possessed by the person in control. ~~Every site having an ionizing~~
14 ~~radiation installation established in this state after July 20, 1985, shall be registered~~
15 ~~prior to its operation.~~ The application for registration shall be made on forms
16 provided by the department which shall be devised to obtain any information that
17 is considered necessary for evaluation of hazards. Multiple radiation sources at a
18 single radiation installation and under the control of one person shall be listed on a
19 single registration form. Registration fees shall be levied in accordance with sub. (3).
20 Registration alone ~~shall~~ does not imply approval of manufacture, storage, use,
21 handling, operation or disposal of the radiation installation or radioactive materials,
22 but ~~shall serve~~ serves merely to inform the department of the location and character
23 of radiation sources. ~~The department shall furnish the department of commerce with~~
24 ~~a copy of each amended and new registration.~~ Persons engaged in manufacturing,

SECTION 2454

1 demonstration, sale, testing or repair of radiation sources ~~shall not be~~ are not
2 required to list such sources on the registration form.

3 ***-1164/5.27* SECTION 2455.** 254.35 (2) of the statutes is amended to read:

4 254.35 (2) AMENDED REGISTRATION. If the person in control increases the
5 number of sources, source strength, rated output or energy of radiation produced in
6 any installation, he or she shall notify the department of the increase prior to
7 operation on the revised basis. The department shall record the change in the
8 registration. No registration is transferable from one premises to another or from
9 one person to another. If the person in control ~~transfers~~ intends to transfer control
10 of ownership of the radiation installation to another person ~~the registration also~~
11 ~~transfers to the other person, who, at least 15 days before the final transfer the~~
12 registrant shall notify the department of the transfer ~~within 15 days.~~ The
13 department shall record the change in the and the intended transferee shall file
14 under sub. (1) an application for registration. If any installation is discontinued, the
15 person in control shall notify the department within 30 days of the discontinuance.

16 ***-1164/5.28* SECTION 2456.** 254.35 (3) (title) of the statutes is amended to
17 read:

18 254.35 (3) (title) ~~FEES~~ REGISTRATION FEES.

19 ***-1164/5.29* SECTION 2457.** 254.35 (3) (a) of the statutes is amended to read:

20 254.35 (3) (a) An annual registration fee under pars. (b) to (f) ~~(fm)~~ (fm) shall be
21 levied for each site registration under this section. An additional penalty fee of \$10
22 \$25, regardless of the number of X-ray tubes or generally licensed devices, shall be
23 required for each registration whenever the annual fee for renewal is not paid prior
24 to expiration of the registration. No additional fee may be required for recording
25 changes in the registration information.

1 ***-1164/5.30* SECTION 2458.** 254.35 (3) (b) of the statutes is amended to read:

2 254.35 (3) (b) For a ~~medical~~ site having an ionizing radiation installation
3 serving physicians and clinics, osteopaths and clinics, ~~and chiropractors or~~ hospitals
4 that possesses radioactive materials in any quantity, the fee shall be at least ~~\$25~~ \$36
5 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

6 ***-1164/5.31* SECTION 2459.** 254.35 (3) (c) of the statutes is amended to read:

7 254.35 (3) (c) For a ~~chiropractic~~, podiatric or veterinary site having an ionizing
8 radiation installation, the fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~
9 \$44 for each X-ray tube.

10 ***-1164/5.32* SECTION 2460.** 254.35 (3) (d) of the statutes is amended to read:

11 254.35 (3) (d) For a dental site having an ionizing radiation installation, the
12 fee shall be at least ~~\$25~~ \$36 for each site and at least ~~\$20~~ \$30 for each X-ray tube.

13 ***-1164/5.33* SECTION 2461.** 254.35 (3) (f) of the statutes is amended to read:

14 254.35 (3) (f) For an industrial, school, research project or other site having an
15 ionizing radiation installation ~~and radioactive materials in any quantity~~, the fee
16 shall be at least ~~\$25~~ \$36 for each site and at least ~~\$30~~ \$44 for each X-ray tube.

17 ***-1164/5.34* SECTION 2462.** 254.35 (3) (fm) of the statutes is created to read:

18 254.35 (3) (fm) For any site that has generally licensed devices that are not
19 exempted by the department, the fee shall be at least \$100 for each site and at least
20 \$50 for each device that contains at least 370 MBq or 10 mCi of cesium-137; 37 MBq
21 or 1.0 mCi of cobalt-60; 3.7 MBq or 0.1 mCi of strontium-90; or 37 MBq or 1.0 mCi
22 of a transuranic.

23 ***-1164/5.35* SECTION 2463.** 254.35 (3) (g) of the statutes is amended to read:

24 254.35 (3) (g) The fees under this subsection shall be as stated unless the
25 department promulgates rules to increase the annual registration fee ~~after January~~

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1 1, 1986, for a site having an ionizing radiation installation ~~or~~, for an X-ray tube ~~or~~
2 for generally licensed devices that are not exempted by the department.

3 ***-1164/5.36* SECTION 2464.** 254.35 (4) of the statutes is amended to read:

4 254.35 (4) EXEMPTIONS. ~~The department shall~~ After initial registration under
5 sub. (1), the department may exempt from annual registration any source licensed
6 by the nuclear regulatory commission and may exempt from registration any source
7 of radiation installation which of radiation that the department finds to be without
8 undue radiation hazard as determined by standards established by the national
9 committee on radiation protection and measurements or any comparable nationally
10 recognized agency established for the purpose of recommending standards for
11 radiation protection, and after the initial registration may exempt from subsequent
12 annual radiation requirements any source of radiation devoted primarily to
13 industrial purposes.

14 ***-1164/5.37* SECTION 2465.** 254.36 of the statutes is renumbered 254.34 (1)
15 (am) and amended to read:

16 254.34 (1) (am) ~~Radiation protection.~~ ~~The department shall promulgate a~~
17 ~~radiation protection code. Other departments and agencies of state government and~~
18 A rule identical to a rule specified under par. (a) may be promulgated by a state
19 agency other than the department and an ordinance identical to a rule specified
20 under par. (a) may be enacted by a local governmental units may adopt the identical
21 code unit, but no other rule, code or ordinance relating to this subject may be
22 promulgated or enacted may be promulgated or ordinance may be enacted that
23 differs from a rule under par. (a) and relates to the same subject area except as
24 provided under ss. 166.03 (2) (b) 6., 293.15 (8) and 293.25.

25 ***-1164/5.38* SECTION 2466.** 254.365 of the statutes is created to read:

1 **254.365 Licensing of radioactive material. (1) LICENSE REQUIRED.** No
2 person may possess, use, manufacture, transport, store, transfer or dispose of
3 radioactive material or a device or item of equipment that uses radioactive material
4 or may operate a site that uses radioactive material that is not under the authority
5 of the U.S. nuclear regulatory commission unless one of the following applies:

6 (a) The person has a specific license issued by the department.

7 (b) The person meets general license requirements.

8 (c) The person possesses a license issued by another state or by the U.S. nuclear
9 regulatory commission that is reciprocally recognized by the department.

10 (d) The person is exempted from licensure under sub. (7).

11 **(2) APPLICATION.** Application for a license under sub. (1) (a) or for reciprocal
12 recognition under sub. (1) (c) shall be made on forms provided by the department.

13 **(3) MODIFICATION OR TERMINATION OF LICENSE.** Within 30 days after any change
14 to the information on a license issued under this section, the licensee shall inform the
15 department of the change and the department shall record the changed information.
16 Within 30 days after termination of an activity licensed under this section, the person
17 in control of the activity shall notify the department. The department may require
18 that the person in control submit to the department for approval a plan for
19 decommissioning the activity.

20 **(4) RULES.** The department shall promulgate rules for all of the following:

21 (a) The issuance, modification, suspension, termination and revocation of
22 specific licenses under sub. (1) (a) under the standards specified in s. 254.34 (1) (a).

23 (b) The requirements for a general license under sub. (1) (b).

24 **(5) FEES AND CHARGES.** (a) The department may assess fees, the amounts of
25 which are prescribed by the department by rule, for any of the following:

SECTION 2466

1 1. Issuance of an initial or renewal specific license under sub. (1) (a).

2 2. Annual license maintenance.

3 3. Issuance of a license amendment.

4 4. Termination of a license.

5 5. Issuance of reciprocal recognition of a license for radioactive materials of
6 another state or the U.S. nuclear regulatory commission.

7 (b) The department may assess a late payment charge of 25% of the specific
8 license renewal fee, in addition to the fee under par. (a) for renewal of a specific
9 license, if payment for renewal of a specific license is not made within 30 days after
10 the license expiration date.

11 (6) DENIAL, SUSPENSION OR REVOCATION OF LICENSURE. The department may, after
12 a hearing under ch. 227, refuse to issue a license or suspend or revoke a license for
13 failure by the licensee to comply with this subchapter, rules promulgated by the
14 department under this subchapter or any condition of the license.

15 (7) EXEMPTION. The department may exempt from licensing requirements of
16 this section radioactive material that the department finds is without undue
17 radiation hazard.

18 *-1164/5.39* SECTION 2467. 254.37 (1) of the statutes is renumbered 254.37
19 (1) (intro.) and amended to read:

20 254.37 (1) NOTIFICATION OF VIOLATION AND ORDER OF ABATEMENT. (intro.)
21 Whenever the department or the department of commerce finds, upon inspection and
22 examination, that a source of radiation as constructed, operated or maintained
23 results in a violation of this subchapter or of any rules promulgated under this
24 subchapter, it the department shall notify do all of the following:

1 (a) Notify the person in control that is causing, allowing or permitting the
2 violation as to the nature of the violation ~~and order.~~

3 (b) Order that, prior to a specified time, the person in control shall cease and
4 abate causing, allowing or permitting the violation and take such action as may be
5 necessary to have the source of radiation constructed, operated, or maintained in
6 compliance with this subchapter and rules promulgated under this subchapter.

7 ***-1164/5.40*** **SECTION 2468.** 254.37 (2) of the statutes is amended to read:

8 254.37 (2) ORDERS. The department ~~or the department of commerce~~ shall issue
9 and enforce such orders or modifications of previously issued orders as may be
10 required in connection with proceedings under this subchapter. The orders shall be
11 subject to review by the department upon petition of the persons affected. Whenever
12 the department ~~or the department of commerce~~ finds that a condition exists ~~which~~
13 that constitutes an immediate threat to health due to violation of this subchapter or
14 any rule or order promulgated under this subchapter, it may issue an order reciting
15 the existence of the threat and the findings pertaining to the threat. The department
16 ~~or the department of commerce~~ may summarily cause the abatement of the violation.

17 ***-1164/5.41*** **SECTION 2469.** 254.37 (3) of the statutes is amended to read:

18 254.37 (3) RULES. The department shall promulgate and enforce the rules
19 pertaining to ionizing radiation ~~in establishments principally engaged in furnishing~~
20 ~~medical, surgical, chiropractic and other health services to persons and animals. The~~
21 ~~department of commerce shall enforce the rules pertaining to ionizing radiation in~~
22 ~~industrial establishments. The department shall notify the department of commerce~~
23 ~~and deliver to it a copy of each new registration and at such time a decision shall be~~
24 ~~made as to which state agency shall enforce the rules pertaining to ionizing~~
25 ~~radiation.~~

SECTION 2470

1 ***-1164/5.42* SECTION 2470.** 254.37 (4) of the statutes is amended to read:

2 254.37 (4) ~~ENFORCEMENT JURISDICTION. All orders issued under this subchapter~~
3 ~~shall be enforced by the attorney general.~~ The circuit court of Dane county shall have
4 jurisdiction to enforce the orders by injunctive and other appropriate relief.

5 ***-1164/5.43* SECTION 2471.** 254.38 (title) of the statutes is created to read:

6 **254.38 (title) Emergency authority.**

7 ***-1164/5.44* SECTION 2472.** 254.38 of the statutes is renumbered 254.38 (1)

8 and amended to read:

9 254.38 (1) IMPOUNDING MATERIALS. The department ~~or department of commerce~~
10 may impound or order the sequestration of sources of radiation in the possession of
11 any person who is not equipped to observe or who fails to observe safety standards
12 to protect health that are established in rules promulgated by the department ~~or the~~
13 ~~department of commerce.~~

14 ***-1164/5.45* SECTION 2473.** 254.38 (2) of the statutes is created to read:

15 254.38 (2) EMERGENCY ORDERS. If the department finds that an emergency
16 exists concerning a matter subject to regulation under this subchapter that requires
17 immediate action to protect the public health or safety, the department may issue an
18 emergency order without notice or hearing that recites the existence of the
19 emergency and requires such action as is necessary to mitigate the emergency. Any
20 person to whom the order is issued shall immediately comply with the order. A
21 person to whom an emergency order is issued shall be afforded a hearing within 30
22 days after receipt by the department of a written request for the hearing. An
23 emergency order is effective upon issuance and remains in effect for up to 90 days
24 after issuance, except that the order may be revoked or modified based on the results
25 of the hearing.

1 ***-1164/5.46* SECTION 2474.** 254.39 (2) of the statutes is amended to read:

2 254.39 (2) This subchapter does not apply to on-site activities of any nuclear
3 reactor plant licensed by the ~~nuclear regulatory commission~~ U.S. nuclear regulatory
4 commission.

5 ***-1164/5.47* SECTION 2475.** 254.45 of the statutes is repealed and recreated
6 to read:

7 **254.45 Penalties. (1) GENERAL.** (a) Any person who violates this subchapter
8 or a rule promulgated under this subchapter or a condition of a license or registration
9 issued by the department under this subchapter may be required to forfeit not less
10 than \$100 nor more than \$100,000. Each day of continued violation constitutes a
11 separate offense.

12 (b) The amount of the forfeiture assessed under par. (a) shall be determined by
13 considering all of the following:

14 1. The wilfulness of the violation.

15 2. The person's previous violations, if any, of this subchapter, rules
16 promulgated under this subchapter or conditions of a license or registration issued
17 by the department under this subchapter.

18 3. The potential danger or actual or potential injury to the environment or to
19 public health caused by the violation.

20 4. The actual or potential costs of the damage or injury caused by the violation.

21 **(2) ASSESSMENT OF FORFEITURES; NOTICE.** The department may directly assess
22 forfeitures provided for in sub. (1). If the department determines that a forfeiture
23 should be assessed for a particular violation, the department shall send a notice of
24 assessment to the person. The notice shall specify the amount of the forfeiture

SECTION 2475

1 assessed and the violation and the statute or rule alleged to have been violated and
2 shall inform the person of the right to hearing under sub. (3).

3 (3) HEARING. A person upon whom a forfeiture is imposed may contest the
4 action by sending, within 10 days after receipt of notice of a contested action, a
5 written request for hearing under s. 227.44 to the division of hearings and appeals
6 created under s. 15.103 (1). The administrator of the division may designate a
7 hearing examiner to preside over the case and recommend a decision to the
8 administrator under s. 227.46. The decision of the administrator of the division shall
9 be the final administrative decision. The division shall commence the hearing within
10 30 days of receipt of the request for hearing and shall issue a final decision within
11 15 days after the close of the hearing. Proceedings before the division are governed
12 by ch. 227.

13 (4) FORFEITURE PAYMENT AND DISPOSITION. (a) A person against whom the
14 department has assessed a forfeiture shall pay the forfeiture to the department
15 within 10 days after receipt of the notice under sub. (2) or, if the person contests the
16 assessment, within 10 days after receipt of the final decision after exhaustion of
17 administrative review. If the person petitions for judicial review under ch. 227, the
18 person shall pay the forfeiture within 10 days after receipt of the final judicial
19 decision.

20 (b) The department shall remit all forfeitures paid to the state treasurer for
21 deposit in the school fund.

22 (5) ENFORCEMENT. The attorney general may bring an action in the name of the
23 state to collect any forfeiture imposed under this section if the forfeiture has not been
24 paid as required under sub. (4). The only issue to be contested in an action under this
25 subsection is whether the forfeiture has been paid.

1 *~~-0183/2.53~~* **SECTION 2476.** 255.05 (1) (a) of the statutes is amended to read:

2 255.05 (1) (a) "Institution" means any hospital, nursing home, county home,
3 county mental hospital, ~~tuberculosis sanatorium~~, community-based residential
4 facility or other place licensed or approved by the department under ~~ss. s.~~ s. 49.70,
5 49.71, 49.72, 50.02, 50.03, 50.35, 51.08, or 51.09, ~~58.06, 252.073 and 252.076.~~

6 *~~-1164/5.48~~* **SECTION 2477.** 281.01 (15) of the statutes is amended to read:

7 281.01 (15) "Solid waste" means any garbage, refuse, sludge from a waste
8 treatment plant, water supply treatment plant or air pollution control facility and
9 other discarded or salvageable materials, including solid, liquid, semisolid, or
10 contained gaseous materials resulting from industrial, commercial, mining and
11 agricultural operations, and from community activities, but does not include solids
12 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
13 return flows or industrial discharges which are point sources subject to permits
14 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
15 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
16 ~~(3)~~ (1).

17 *~~-1065/2.4~~* **SECTION 2478.** 281.165 of the statutes is created to read:

18 **281.165 Compliance with water quality standards for wetlands.** An
19 activity shall be considered to comply with the water quality standards that are
20 applicable to wetlands and that are promulgated as rules under s. 281.15 and is
21 exempt from any prohibition, restriction, requirement, permit, license, approval,
22 authorization, fee, notice, hearing, procedure or penalty specified under s. 29.601 (3)
23 or chs. 30, 31, 281, 283, 289 to 292 or 299 or specified under any rule promulgated,
24 order issued or ordinance adopted under any of those sections or chapters, if the
25 activity meets all of the following requirements:

1 (1) The wetland area that will be affected by the activity is less than 15 acres
2 in size.

3 (2) The site of the activity is zoned for industrial use and is in the vicinity of
4 a manufacturing facility.

5 (3) The site of the activity is within the corporate limits of a city on January
6 1, 1999.

7 (4) The governing body of the city adopts a resolution stating that the
8 exemption under this section is necessary to protect jobs that exist in the city on the
9 date of the adoption of the resolution or is necessary to promote job creation.

10 (5) The site of the activity is located in Trempealeau County.

11 ***-0516/3.2* SECTION 2479.** 281.17 (3) of the statutes is amended to read:

12 281.17 (3) The department shall promulgate rules establishing an examining
13 program for the certification of operators of water systems, wastewater treatment
14 plants and septage servicing vehicles operated under a license issued under s. 281.48
15 (3), setting such standards as the department finds necessary to accomplish the
16 purposes of this chapter and chs. 285 and 289 to 299, including requirements for
17 continuing education. The department may charge applicants a fee for certification.
18 All moneys collected under this subsection for the certification of operators of water
19 systems, wastewater treatment plants and septage servicing vehicles shall be
20 credited to the appropriation under s. 20.370 (4) (bL). No person may operate a water
21 systems, wastewater treatment plant or septage servicing vehicle without a valid
22 certificate issued under this subsection. The department may suspend or revoke a
23 certificate issued under this subsection for a violation of any statute or rule relating
24 to the operation of a water system or wastewater treatment plant or to septage
25 servicing, or for failure to fulfill the continuing education requirements ~~or as~~

1 ~~provided under s. 145.245 (3).~~ The owner of any wastewater treatment plant shall
2 be, or shall employ, an operator certified under this subsection who shall be
3 responsible for plant operations, unless the department by rule provides otherwise.
4 In this subsection, "wastewater treatment plant" means a system or plant used to
5 treat industrial wastewater, domestic wastewater or any combination of industrial
6 wastewater and domestic wastewater.

7 ***-0516/3.3* SECTION 2480.** 281.48 (5) (a) 4. of the statutes is amended to read:

8 281.48 (5) (a) 4. Violated any provisions of this section or any rule prescribed
9 by the department ~~or falsified information on inspection forms under s. 145.245 (3).~~

10 ***-0282/3.3* SECTION 2481.** 281.58 (1) (ae) of the statutes is repealed.

11 ***-0282/3.4* SECTION 2482.** 281.58 (6) (a) 4. of the statutes is repealed.

12 ***-0282/3.5* SECTION 2483.** 281.58 (6) (b) 1. of the statutes is amended to read:

13 281.58 (6) (b) 1. Purchasing or refinancing the obligation of a municipality if
14 the obligation was incurred to finance the cost of constructing a water pollution
15 control project located in this state ~~and the obligation was initially incurred on or~~
16 ~~after May 17, 1988.~~

17 ***-0282/3.6* SECTION 2484.** 281.58 (6) (b) 2. of the statutes is repealed.

18 ***-0282/3.7* SECTION 2485.** 281.58 (7) (b) 3. of the statutes is repealed.

19 ***-0282/3.8* SECTION 2486.** 281.58 (7) (b) 7. of the statutes is repealed.

20 ***-0282/3.9* SECTION 2487.** 281.58 (8) (h) of the statutes is amended to read:

21 281.58 (8) (h) Except as provided in par. (k), a municipality that is a violator
22 of an effluent limitation at the time that the application for a treatment work project
23 is approved under sub. (9m) may not receive financial assistance of a method
24 specified under sub. (6) (b) 1., ~~2,~~ 3., 4. or 5. for that part of the treatment work project
25 that is needed to correct the violation. This paragraph does not apply to a

1 municipality that after May 17, 1988, is in compliance with a court or department
2 order to correct a violation of the enforceable requirements of its ch. 283 permit, and
3 that is applying for financial assistance under s. 281.59 (13) to correct that violation.

4 ***-1740/3.1* SECTION 2488.** 281.58 (8) (j) of the statutes is created to read:

5 281.58 (8) (j) The amount of a payment under sub. (6) (b) 8. may not exceed the
6 amount of subsidy necessary to reduce the interest rate on the loan from market rate
7 to the interest rate that would have been charged on a loan to the municipality under
8 sub. (6) (b) 4.

9 ***-0282/3.10* SECTION 2489.** 281.58 (8) (L) of the statutes is repealed.

10 ***-0282/3.11* SECTION 2490.** 281.58 (8e) (a) of the statutes is amended to read:

11 281.58 (8e) (a) The type of project and the order in which it is listed under sub.
12 (7) (b) 1. to 7. 6.

13 ***-0282/3.12* SECTION 2491.** 281.58 (8s) of the statutes is amended to read:

14 281.58 (8s) FACILITY PLAN. A municipality seeking financial assistance for a
15 project under this section, ~~except for a municipality seeking a capital cost loan,~~ shall
16 complete a facility plan as required by the department by rule.

17 ***-0282/3.13* SECTION 2492.** 281.58 (9) (b) of the statutes is amended to read:

18 281.58 (9) (b) A municipality seeking financial assistance, ~~except for a~~
19 ~~municipality seeking a capital cost loan,~~ for a project under the clean water fund
20 program shall complete an environmental analysis sequence as required by the
21 department by rule.

22 ***-0282/3.14* SECTION 2493.** 281.58 (12) (a) 4. of the statutes is amended to

23 read:

1 281.58 (12) (a) 4. The interest rate for projects specified in sub. (7) (b) 6. ~~and~~
2 ~~7.~~ and for those portions of projects under subd. 1. that are restricted by sub. (8) (b),
3 (c), (f) or (h) is market interest rate.

4 *~~0282/3.15~~* **SECTION 2494.** 281.58 (12) (a) 5. of the statutes is repealed.

5 *~~1856/2.4~~* **SECTION 2495.** 281.59 (1m) (c) of the statutes is created to read:

6 281.59 (1m) (c) There is established a private sewage system replacement and
7 rehabilitation loan program, administered under s. 145.245 (12m).

8 *~~0935/3.54~~* **SECTION 2496.** 281.59 (1m) (c) of the statutes, as created by 1999
9 Wisconsin Act (this act), is amended to read:

10 281.59 (1m) (c) There is established a ~~private~~ small sewage system
11 replacement and rehabilitation loan program, administered under s. 145.245 (12m).

 ***NOTE: This is reconciled s. 281.59 (1m) (c). This SECTION has been affected by
 drafts with the following LRB numbers: -0935 and -1856.

12 *~~0975/1.1~~* **SECTION 2497.** 281.59 (3e) (b) 1. and 3. of the statutes are amended
13 to read:

14 281.59 (3e) (b) 1. Equal to ~~\$90,200,000~~ \$87,400,000 during the ~~1997-99~~
15 1999-01 biennium.

16 3. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

17 *~~0936/2.1~~* **SECTION 2498.** 281.59 (3m) (b) 1. and 2. of the statutes are
18 amended to read:

19 281.59 (3m) (b) 1. Equal to ~~\$4,500,000~~ \$9,400,000 during the ~~1997-99~~ 1999-01
20 biennium.

21 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

22 *~~0974/1.1~~* **SECTION 2499.** 281.59 (3s) (b) 1. and 2. of the statutes are amended
23 to read:

1 281.59 (3s) (b) 1. Equal to ~~\$21,000,000~~ \$5,200,000 during the ~~1997-99~~ 1999-01
2 biennium.

3 2. Equal to \$1,000 for any biennium after the ~~1997-99~~ 1999-01 biennium.

4 *~~1432/7.50~~* SECTION 2500. 281.59 (4) (b) of the statutes is amended to read:

5 281.59 (4) (b) The department of administration may, under s. ~~18.56~~ 18.561 (5)
6 and (9) (j) or 18.562 (3) and (5) (e), deposit in a separate and distinct fund in the state
7 treasury or in an account maintained by a trustee outside the state treasury, any
8 portion of the revenues derived under s. 25.43 (1). The revenues deposited with a
9 trustee outside the state treasury are the trustee's revenues in accordance with the
10 agreement between this state and the trustee or in accordance with the resolution
11 pledging the revenues to the repayment of revenue obligations issued under this
12 subsection.

13 *~~0282/3.16~~* SECTION 2501. 281.59 (9) (a) of the statutes is amended to read:

14 281.59 (9) (a) A loan approved under the clean water fund program, the safe
15 drinking water loan program or the land recycling loan program shall be for no longer
16 than 20 years, as determined by the department of administration, be fully
17 amortized not later than 20 years after the original date of the ~~note~~ financial
18 assistance agreement, and require the repayment of principal and interest, if any,
19 to begin not later than 12 months after the expected date of completion of the project
20 that it funds, as determined by the department of administration.

21 *~~0282/3.17~~* SECTION 2502. 281.59 (12) of the statutes is amended to read:

22 281.59 (12) MUNICIPAL OBLIGATIONS. The department of administration may
23 purchase or refinance obligations specified in s. 281.58 (6) (b) 1. ~~or 2.~~ and guarantee
24 or purchase insurance for municipal obligations specified in s. 281.58 (6) (b) 3. if the

1 department of administration and the department of natural resources approve the
2 financial assistance under this section and s. 281.58.

3 ***-0936/2.2* SECTION 2503.** 281.60 (1) (a) of the statutes is amended to read:

4 281.60 (1) (a) "Eligible applicant" means a political subdivision, a
5 redevelopment authority created under s. 66.431 or a housing authority.

6 ***-0936/2.3* SECTION 2504.** 281.60 (1) (c) of the statutes is repealed.

7 ***-0936/2.4* SECTION 2505.** 281.60 (2) of the statutes is amended to read:

8 281.60 (2) GENERAL. The department and the department of administration
9 may administer a program to provide financial assistance to eligible applicants for
10 projects to remedy environmental contamination of sites or facilities at which
11 environmental contamination has affected groundwater or surface water or
12 threatens to affect groundwater or surface water. The department and the
13 department of administration may provide financial assistance under this section to
14 an eligible applicant only if the eligible applicant owns the contaminated site or
15 facility or, if the applicant is a political subdivision, if a redevelopment authority or
16 a housing authority owns the contaminated site or facility. The department and the
17 department of administration may not provide financial assistance under this
18 section to remedy environmental contamination at a site or facility that is not a
19 landfill if the eligible applicant caused the environmental contamination.

20 ***-0936/2.5* SECTION 2506.** 281.60 (2r) (a) of the statutes is amended to read:

21 281.60 (2r) (a) Making loans ~~below the market interest rate~~ for projects
22 described in sub. (2).

23 ***-0936/2.6* SECTION 2507.** 281.60 (7) (c) of the statutes is amended to read:

24 281.60 (7) (c) The department of administration determines that the eligible
25 applicant will meet the requirements of s. 281.59 (9) ~~(b)~~.

1 ***-1740/3.2* SECTION 2508.** 281.60 (8s) of the statutes is created to read:

2 281.60 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
3 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
4 interest rate on the loan from market rate to the interest rate that would have been
5 charged on a loan to the political subdivision under sub. (2r) (a).

6 ***-0936/2.7* SECTION 2509.** 281.60 (11) of the statutes is amended to read:

7 281.60 (11) LOAN INTEREST RATES. The department and the department of
8 administration may not charge interest rate on a land recycling loan program loan
9 shall be 55% of market interest rate.

10 ***-0936/2.8* SECTION 2510.** 281.60 (11m) of the statutes is amended to read:

11 281.60 (11m) SERVICE FEE. The department and the department of
12 administration shall jointly charge and collect an annual service fee for reviewing
13 and acting upon land recycling loan program applications and servicing financial
14 assistance agreements. ~~The fee shall be in addition to interest payments at the rate~~
15 ~~under sub. (11).~~ For the 1997-99 fiscal biennium, the service fee shall be 0.5% of the
16 loan balance. Fee amounts for later biennia shall be established in the biennial
17 finance plan under s. 281.59 (3) (a) 8. The department and the department of
18 administration shall specify in the biennial finance plan a fee designed to cover the
19 costs of reviewing and acting upon land recycling loan program applications and
20 servicing financial assistance agreements.

21 ***-1740/3.3* SECTION 2511.** 281.61 (8s) of the statutes is created to read:

22 281.61 (8s) LIMITATION ON FINANCIAL ASSISTANCE. The amount of a payment
23 under sub. (2r) (d) may not exceed the amount of subsidy necessary to reduce the
24 interest rate on the loan from market rate to the interest rate that would have been
25 charged on a loan to the local governmental unit under sub. (2r) (a).

1 ***-1785/1.75* SECTION 2512.** 281.65 (5) (b) of the statutes is amended to read:

2 281.65 (5) (b) Prepare sections of the priority watershed or priority lake plan
3 relating to farm-specific implementation schedules, requirements under ~~ss. 92.104~~
4 ~~and s. 92.105~~, animal waste management and selection of agriculturally related best
5 management practices and submit those sections to the department for inclusion
6 under sub. (4m) (b). The best management practices shall be cost-effective best
7 management practices, as specified under sub. (4) (e), except in situations in which
8 the use of a cost-effective best management practice will not contribute to water
9 quality improvement or will cause a water body to continue to be impaired as
10 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
11 (A).

12 ***-1785/1.76* SECTION 2513.** 281.65 (5) (d) of the statutes is amended to read:

13 281.65 (5) (d) Develop a grant disbursement and project management schedule
14 for agriculturally related best management practices to be included in a plan
15 established under sub. (4) (g) and identify recommendations for implementing
16 activities or projects under ss. 92.10, ~~92.104~~ and 92.105.

17 ***-1785/1.77* SECTION 2514.** 281.65 (5) (e) of the statutes is amended to read:

18 281.65 (5) (e) Identify areas within a priority watershed or priority lake area
19 that are subject to activities required under ~~ss. 92.104 and s. 92.105~~.

20 ***-0589/2.28* SECTION 2515.** 281.65 (8) (L) of the statutes is amended to read:

21 281.65 (8) (L) A grant may not be made to an individual ~~if the department~~
22 ~~receives a certification under s. 49.855 (7) that the individual is delinquent in child~~
23 ~~support or maintenance payments or owes past support, medical expenses or birth~~
24 ~~expenses whose name appears on the statewide support lien docket under s. 49.854~~
25 (2) (b), unless the individual provides to the department a payment agreement that

1 has been approved by the county child support agency under s. 59.53 (5) and that is
2 consistent with rules promulgated under s. 49.858 (2) (a).

3 ***-0198/3.4* SECTION 2516.** 281.68 (1) (intro.) of the statutes is amended to
4 read:

5 281.68 (1) DEFINITIONS. (intro.) In this section, ~~“qualified;~~

6 (b) “Qualified lake association” means a group incorporated under ch. 181 that
7 meets all of the following conditions:

8 ***-0198/3.5* SECTION 2517.** 281.68 (1) (a) to (h) of the statutes are renumbered
9 281.68 (1) (b) 1. to 8.

10 ***-0198/3.6* SECTION 2518.** 281.68 (1) (ag) of the statutes is created to read:

11 281.68 (1) (ag) “Lake” includes a flowage.

12 ***-0198/3.7* SECTION 2519.** 281.68 (1m) of the statutes is amended to read:

13 281.68 (1m) PURPOSES OF GRANTS. The department shall develop and
14 administer a financial assistance program to provide lake management planning
15 grants for projects to provide information and education on the use of lakes and
16 natural lake ecosystems and on the quality of water in lakes, including mill ponds,
17 in order to and the quality of natural lake ecosystems.

18 (1r) USES OF GRANTS. Lake management planning grants shall be used to
19 improve water quality assessment and planning and to aid in the selection of
20 activities to abate do any of the following:

21 (a) Prevent pollution of from entering into lakes or into natural lake
22 ecosystems.

23 ***-0198/3.8* SECTION 2520.** 281.68 (1r) (b) of the statutes is created to read:

24 281.68 (1r) (b) Protect or improve the quality of water in lakes or the quality
25 of natural lake ecosystems.

KMG

1 ***-0198/3.9* SECTION 2521.** 281.68 (2) (title) of the statutes is created to read:

2 281.68 (2) (title) AMOUNT OF GRANTS.

3 ***-0198/3.10* SECTION 2522.** 281.68 (3) (title) of the statutes is created to read:

4 281.68 (3) (title) RULES FOR GRANTS.

5 ***-0198/3.11* SECTION 2523.** 281.68 (3) (b) of the statutes is renumbered 281.68

6 (3) (b) (intro.) and amended to read:

7 281.68 (3) (b) (intro.) Eligible activities, which shall include data all of the
8 following for lakes and natural lake ecosystems:

9 1. Data collection, ~~water quality assessment and nonpoint,~~

10 4. Nonpoint source pollution evaluation.

11 ***-0198/3.12* SECTION 2524.** 281.68 (3) (b) 2. of the statutes is created to read:

12 281.68 (3) (b) 2. Assessments of water quality and of fish and aquatic life and
13 their habitat.

14 ***-0198/3.13* SECTION 2525.** 281.68 (3) (b) 3. of the statutes is created to read:

15 281.68 (3) (b) 3. Assessments of the uses of a lake and the uses of the land
16 surrounding the lake.

17 ***-0198/3.14* SECTION 2526.** 281.68 (3) (b) 5. of the statutes is created to read:

18 281.68 (3) (b) 5. Informational or educational programs and materials.

19 ***-0198/3.15* SECTION 2527.** 281.68 (4) (title) of the statutes is created to read:

20 281.68 (4) (title) ELIGIBILITY FOR LAKE MANAGEMENT PLANNING GRANTS.

21 ***-0198/3.16* SECTION 2528.** 281.69 (title) of the statutes is amended to read:

22 281.69 (title) **Lake management and classification grants and**
23 **contracts.**

24 ***-0198/3.17* SECTION 2529.** 281.69 (1) (intro.) of the statutes is renumbered

25 281.69 (1m) (intro.) and amended to read:

1 281.69 (1m) TYPES OF PROJECTS. (intro.) The department shall develop and
2 administer a financial assistance program to provide grants for the following 3 2
3 types of projects:

4 ***-0198/3.18* SECTION 2530.** 281.69 (1) (a) of the statutes is renumbered 281.69
5 (1m) (a) and amended to read:

6 281.69 (1m) (a) Lake management projects that will improve or protect the
7 quality of water in lakes or the quality of natural lake ecosystems of lakes.

8 ***-0198/3.19* SECTION 2531.** 281.69 (1) (b) of the statutes is renumbered 281.69
9 (1m) (b).

10 ***-0198/3.20* SECTION 2532.** 281.69 (1) (c) of the statutes is renumbered 281.69
11 (1r) and amended to read:

12 281.69 (1r) CONTRACTS. ~~Lake~~ The department may award contracts for lake
13 classification technical assistance projects to be conducted by nonprofit corporations
14 that will provide educational and technical assistance.

15 ***-0198/3.21* SECTION 2533.** 281.69 (1b) of the statutes is created to read:

16 281.69 (1b) DEFINITION. In this section, “lake” includes a mill pond or a flowage.

17 ***-0198/3.22* SECTION 2534.** 281.69 (2) (title) of the statutes is amended to
18 read:

19 281.69 (2) (title) AMOUNTS OF GRANTS AND CONTRACTS.

20 ***-0198/3.23* SECTION 2535.** 281.69 (2) (c) of the statutes is amended to read:

21 281.69 (2) (c) A ~~grant~~ contract for a lake classification technical assistance
22 project may not exceed \$200,000.

23 ***-0198/3.24* SECTION 2536.** 281.69 (3) (a) of the statutes is amended to read:

24 281.69 (3) (a) A designation of eligible recipients, which shall include nonprofit
25 conservation organizations, as defined in s. 23.0955 (1), counties, cities, towns,

1 villages, qualified lake associations, as defined in s. 281.68 (1) (b), town sanitary
2 districts, public inland lake protection and rehabilitation districts and other local
3 governmental units, as defined in s. 66.299 (1) (a), that are established for the
4 purpose of lake management.

5 ***-0198/3.25* SECTION 2537.** 281.69 (3) (b) 1. of the statutes is amended to read:

6 281.69 (3) (b) 1. The purchase of land or of a conservation easement, as defined
7 in s. 700.40 (1) (a), if the eligible recipient enters into a contract under ~~sub. (4) s.~~
8 281.71 and if the purchase will substantially contribute to the protection or
9 improvement of a lake's water quality or its natural ecosystem.

10 ***-0198/3.26* SECTION 2538.** 281.69 (4) of the statutes is renumbered 281.71,
11 and 281.71 (title), (1) (intro.) and (d), (2) (intro.) and (b), (3) and (5), as renumbered,
12 are amended to read:

13 **281.71 (title) Lake management project grants; river protection grants;**
14 **purchases.** (1) (intro.) In order to receive a grant for a purchase under ~~sub. s. 281.69~~
15 (3) (b) 1. or 281.70 (5) (c) 1., the recipient shall enter into a contract with the
16 department that contains all of the following provisions:

17 (d) A clause that any subsequent sale or transfer of the property to be acquired
18 is subject to ~~par. (b) and (c)~~ subs. (2) and (3).

19 (2) (intro.) The recipient of the grant used for a purchase under ~~sub. s. 281.69~~
20 (3) (b) 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property
21 to a 3rd party other than a creditor of the recipient if all of the following apply:

22 (b) The party to whom the property is sold or transferred enters into a new
23 contract with the department that contains the provisions under ~~par. (a)~~ sub. (1).

1 (3) The recipient of the grant used for a purchase under sub. s. 281.69 (3) (b)
2 1. or 281.70 (5) (c) 1. may subsequently sell or transfer the acquired property to
3 satisfy a debt or other obligation if the department approves the sale or transfer.

4 (5) The instrument conveying the property to the recipient shall state the
5 interest of the state under ~~par. (d)~~ sub. (4). The contract entered into under ~~par. (a)~~
6 sub. (1) and the instrument of conveyance shall be recorded in the office of the
7 register of deeds of each county in which the property is located.

8 ***-0198/3.27* SECTION 2539.** 281.69 (6) (a) of the statutes is repealed.

9 ***-0198/3.28* SECTION 2540.** 281.69 (6) (b) of the statutes is renumbered 281.69
10 (6) and amended to read:

11 281.69 (6) LAKE CLASSIFICATION TECHNICAL ASSISTANCE ~~GRANTS~~ CONTRACTS. A
12 nonprofit corporation receiving a lake classification technical assistance ~~grant~~
13 contract shall provide educational and technical assistance to local units of
14 government and lake management organizations that will participate in a lake
15 classification project.

16 ***-0198/3.29* SECTION 2541.** 281.70 of the statutes is created to read:

17 **281.70 River protection grants.** (1) DEFINITION. In this section, "river"
18 includes a stream or a flowage.

19 (2) TYPES OF PROJECTS. The department shall develop and administer a
20 financial assistance program to provide grants for planning projects and
21 management projects.

22 (3) AMOUNTS OF GRANTS. (a) A grant for a planning project may be made for up
23 to 75% of the cost of the project but may not exceed \$10,000 per grant.

24 (b) A grant for a management project may be made for up to 75% of the cost of
25 the project but may not exceed \$50,000 per grant.

1 (4) ELIGIBLE RECIPIENTS. (a) All of the following shall be eligible for grants
2 under this section:

- 3 1. Local governmental units, as defined in s. 66.299 (1) (a).
- 4 2. River management organizations that meet the qualifications under par. (b).
- 5 3. Nonprofit conservation organizations, as defined in s. 23.0955 (1).

6 (b) The department shall promulgate rules to establish the qualifications that
7 a river management organization must meet to qualify for a grant under this section.

8 (5) ELIGIBLE ACTIVITIES. The department shall promulgate rules to do all of the
9 following:

10 (a) Designate activities that are eligible for grants for planning projects.
11 Eligible activities under the rules for these grants shall include all of the following:

- 12 1. Data collection.
- 13 2. Assessments of water quality and of fish and aquatic life and their habitat.
- 14 3. Assessments of the uses of a river and the uses of the land surrounding the
15 river.
- 16 4. Nonpoint source pollution evaluation.
- 17 5. Informational or educational programs and materials as specified in par. (b).
- 18 6. Programs and materials to assist persons in forming river management
19 organizations or other groups to protect or improve rivers and natural riverine
20 ecosystems.

21 (b) For purposes of par. (a) 5., specify informational or educational materials
22 that may be provided on any of the following:

- 23 1. Protecting or improving the ways in which rivers are used.
- 24 2. Protecting or improving the quality of water in rivers.
- 25 3. Protecting or improving the quality of natural riverine ecosystems.

1 4. Protecting or improving fish populations, aquatic life or fish habitat in rivers.

2 (c) Designate activities that are eligible for grants for management projects.

3 Eligible activities under the rules for these grants shall include all of the following:

4 1. The purchase of land or of a conservation easement, as defined in s. 700.40

5 (1) (a) if the recipient enters into a contract under s. 281.71 and if the purchase will
6 substantially contribute to the protection or improvement of the river's water quality
7 or its natural ecosystem.

8 2. The restoration of in-stream or shoreline habitat.

9 3. The development of local regulations or ordinances that will protect or
10 improve the river's water quality or its natural ecosystem.

11 4. An activity that is approved by the department and that is needed to
12 implement a recommendation made as a result of a plan to protect or improve the
13 river's water quality or its natural ecosystem.

14 5. Installation of pollution control practices.

15 (6) ELIGIBILITY; TYPES OF RIVERS. The department shall promulgate rules
16 establishing the types of natural riverine ecosystems that are eligible for grants
17 under this section.

18 (7) ELIGIBILITY; OTHER. At the completion of a planning project, upon request
19 of the recipient of the grant for the planning project, the department may approve
20 as eligible activities for a management project grant the recommendations that were
21 made as a result of the project.

22 *-0239/1.3* SECTION 2542. 281.75 (6) (a) of the statutes is amended to read:

23 281.75 (6) (a) Contamination of a private water supply, as defined under sub.

24 (1) (b) 1. or 2., is required to be established by analysis of at least 2 samples of water,
25 taken at least 2 weeks apart, in a manner which assures the validity of the test

1 results. The samples shall be tested by a laboratory accredited or certified under s.
2 299.11.

3 ***-0935/3.55* SECTION 2543.** 283.31 (1) of the statutes is amended to read:

4 283.31 (1) The discharge of any pollutant into any waters of the state or the
5 disposal of sludge from a treatment work by any person is unlawful unless such
6 discharge or disposal is done under a permit issued by the department under this
7 section or s. 283.33. The department may by rule exempt certain classes or categories
8 of vessels and small sewage systems, as defined in s. 145.01 (14m), from this section.
9 Except as provided in s. 283.33, the department may require only one permit for a
10 publicly owned treatment or collection facility or system, regardless of the number
11 of point sources from such facility or system.

12 ***-1164/5.49* SECTION 2544.** 285.01 (40) of the statutes is amended to read:

13 285.01 (40) "Solid waste" means any garbage, refuse, sludge from a waste
14 treatment plant, water supply treatment plant or air pollution control facility and
15 other discarded or salvageable materials, including solid, liquid, semisolid, or
16 contained gaseous materials resulting from industrial, commercial, mining and
17 agricultural operations, and from community activities, but does not include solids
18 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
19 return flows or industrial discharges which are point sources subject to permits
20 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
21 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
22 (3) (1).

23 ***-0235/1.1* SECTION 2545.** 285.60 (3g) of the statutes is created to read:

24 285.60 (3g) GENERAL CONSTRUCTION PERMITS. The department may promulgate
25 rules specifying types of stationary sources that may obtain general construction

1 permits. A general construction permit may cover numerous similar stationary
2 sources. A general construction permit shall require any stationary source that is
3 covered by the general construction permit to comply with ss. 285.61 to 285.69. The
4 department shall issue a general construction permit using the procedures and
5 criteria in ss. 285.61, 285.63, 285.65, 285.66 and 285.69.

6 ***-0237/2.5* SECTION 2546.** 285.69 (2) (c) (intro.) of the statutes is amended to
7 read:

8 285.69 (2) (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
9 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
10 for the following:

11 ***-0237/2.6* SECTION 2547.** 285.69 (2) (e) of the statutes is created to read:

12 285.69 (2) (e) The owner or operator of a stationary source for which an
13 operation permit is required shall pay to the department an annual facility fee based
14 on the total amount of actual emissions in the preceding year of all air contaminants
15 on which the fee under par. (a) is based, if the total amount of those emissions is 5
16 tons or more. The amount of the fee is as follows:

17 1. If the total amount of emissions is at least 5 tons but does not exceed 25 tons,
18 \$50.

19 2. If the total amount of emissions exceeds 25 tons but does not exceed 100 tons,
20 \$650.

21 3. If the total amount of emissions exceeds 100 tons but does not exceed 250
22 tons, \$2,000.

23 4. If the total amount of emissions exceeds 250 tons but does not exceed 4,000
24 tons, \$7,000.

25 5. If the total amount of the emissions exceeds 4,000 tons, \$20,000.

1 ***-0236/2.4* SECTION 2548.** 285.69 (3) of the statutes is amended to read:

2 285.69 (3) ASBESTOS INSPECTION FEES. The department may promulgate rules
3 for the payment and collection of fees for inspecting nonresidential asbestos
4 demolition and renovation projects regulated by the department. The fees under this
5 subsection may not exceed ~~\$200~~ \$210 per project. The fees collected under this
6 subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct
7 and indirect costs of conducting inspections of nonresidential asbestos demolition
8 and inspection projects regulated by the department.

9 ***-0236/2.5* SECTION 2549.** 285.86 of the statutes is created to read:

10 **285.86 Asbestos citations.** (1) The department may follow the procedures
11 for the issuance of a citation under ss. 23.50 to 23.99 to collect a forfeiture from a
12 person who commits a violation specified under sub. (2).

13 (2) The department shall promulgate rules that specify violations of rules
14 relating to asbestos abatement and management that are promulgated under ss.
15 285.11, 285.13, 285.17 and 285.27 to which sub. (1) applies. In a rule promulgated
16 under this subsection, the department may limit the applicability of sub. (1) based
17 on the frequency of violation and on health and environmental risks caused by the
18 violation.

19 (3) The department shall submit any proposed rules under sub. (2) to the
20 department of justice. The department may not promulgate a rule under sub. (2)
21 unless the rule is approved by the department of justice.

22 ***-1425/1.1* SECTION 2550.** 287.11 (2) (dm) of the statutes is repealed.

23 ***-1438/1.1* SECTION 2551.** 287.23 (5) (c) 2. of the statutes is amended to read:

24 287.23 (5) (c) 2. Except as provided in subd. 5. 2m. or sub. (5e), for all other
25 responsible units, the amount of the grant for 1993 through ~~2000~~ 2001 equals either

SECTION 2551

1 66% of the difference between eligible expenses and avoided disposal costs or 33% of
2 eligible expenses, whichever is greater.

3 2m. If the amount determined under subd. 2. is greater than \$8 times the
4 population of the responsible unit, whichever is less the grant equals \$8 times the
5 population of the responsible unit.

***NOTE: This draft reconciles LRB-1438 with LRB-1437/1. Both drafts should appear in the compiled bill.

6 ***-1438/1.2* SECTION 2552.** 287.23 (5) (c) 5. of the statutes is repealed.

7 ***-1438/1.3* SECTION 2553.** 287.23 (5e) of the statutes is amended to read:

8 287.23 (5e) PRORATION. If available funds are insufficient, under sub. (5) (c) 2.
9 2m., to pay \$8 times the population of all of the responsible units that are entitled
10 to that amount, the department shall distribute the funds so that each responsible
11 unit that would be entitled to \$6 times its population if the per person amount in sub.
12 (5) (c) 2. 2m. were \$6 receives \$6 times its population and shall prorate the remaining
13 funds.

14 ***-1437/2.3* SECTION 2554.** 287.23 (7) of the statutes is amended to read:

15 287.23 (7) SUNSET. No grant may be awarded under this section for any year
16 after the year ~~2000~~ 2001.

17 ***-1427/3.4* SECTION 2555.** 287.46 (4) of the statutes, as affected by 1997
18 Wisconsin Acts 27 and 1999 Wisconsin Act (this act), is repealed.

19 ***-1427/3.5* SECTION 2556.** 287.46 (4) (a) of the statutes is amended to read:

20 287.46 (4) (a) ~~From the appropriations~~ Subject to par. (6), from the
21 appropriation under s. 20.143 (1) (L) ~~and (tm)~~, the department of commerce shall
22 provide financial assistance awarded by the board under this subchapter. ~~Subject~~
23 ~~to par. (b), from the appropriation under s. 20.143 (1) (tm), the department of~~

1 ~~commerce shall~~ and pay contracts entered into by the board under s. 287.42 (3) and
2 (3m).

3 ***-1427/3.6* SECTION 2557.** 287.46 (4) (b) of the statutes is amended to read:

4 287.46 (4) (b) In any biennium, the department of commerce may not expend
5 more than 10% of the amount ~~appropriated~~ credited to the appropriation account
6 under s. 20.143 (1) ~~(tm) for (L) in~~ that biennium for contracts with and financial
7 assistance to responsible units and other local units of government.

8 ***-1164/5.50* SECTION 2558.** 289.01 (33) of the statutes is amended to read:

9 289.01 (33) "Solid waste" means any garbage, refuse, sludge from a waste
10 treatment plant, water supply treatment plant or air pollution control facility and
11 other discarded or salvageable materials, including solid, liquid, semisolid, or
12 contained gaseous materials resulting from industrial, commercial, mining and
13 agricultural operations, and from community activities, but does not include solids
14 or dissolved material in domestic sewage, or solid or dissolved materials in irrigation
15 return flows or industrial discharges which are point sources subject to permits
16 under ch. 283, or source material, as defined in s. 254.31 (10), special nuclear
17 material, as defined in s. 254.31 (11), or by-product material, as defined in s. 254.31
18 ~~(9)~~ (1).

19 ***-1418/1.1* SECTION 2559.** 289.33 (7) (a) 1. of the statutes is amended to read:

20 289.33 (7) (a) 1. A town, city or village in which all or part of a facility is
21 proposed to be located ~~shall~~ may appoint 4 members or the number of members
22 appointed under subds. 1m. and 2. and sub. (7n) plus 2, whichever is greater, no more
23 than 2 of whom are elected officials or municipal employees.

24 ***-0959/1.1* SECTION 2560.** 292.11 (7) (d) 1m. of the statutes is created to read:

1 292.11 (7) (d) 1m. The department may negotiate and enter into an agreement
2 containing a schedule for conducting nonemergency actions required under sub. (3)
3 with a local governmental unit, as defined in sub. (9) (e) 1., that is acting on behalf
4 of owners of contaminated property within one of the following:

5 a. A business improvement district, as defined in s. 66.608 (1) (b).

6 b. An area designated by the local governmental unit if the area consists of 2
7 or more properties affected by a contiguous region of groundwater contamination or
8 contains 2 or more properties that are brownfields, as defined in s. 234.88 (1) (a).

9 *-0959/1.2* **SECTION 2561.** 292.11 (7) (d) 2. of the statutes is amended to read:

10 292.11 (7) (d) 2. The department may charge fees, in accordance with rules that
11 it promulgates, to offset the costs of negotiating and entering into an agreement
12 under subd. 1. or 1m.

13 *-1419/2.1* **SECTION 2562.** 292.11 (9) (e) 1. of the statutes is amended to read:

14 292.11 (9) (e) 1. ~~Local~~ In this paragraph, "local governmental unit" means a
15 municipality, a redevelopment authority created under s. 66.431, a public body
16 designated by a municipality under s. 66.435 (4), a community development
17 authority or a housing authority.

****NOTE: This is reconciled s. 292.11 (9) (e) 1. This SECTION has been affected by
drafts with the following LRB numbers: -0257, -1419 and -1422.

18 *-0257/4.1* **SECTION 2563.** 292.11 (9) (e) 1m. (intro.) of the statutes is amended
19 to read:

20 292.11 (9) (e) 1m. (intro.) ~~A~~ Except as provided in subds. 2., 4., 6. and 7., a local
21 governmental unit is exempt from subs. (3), (4) and (7) (b) and (c) with respect to
22 discharges of hazardous substances on or originating from property acquired by the

1 local government unit before, on or after the effective date of this subdivision
2 [revisor inserts date], if any of the following applies:

****NOTE: This is reconciled s. 292.11 (9) (e) 1m. (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-0257, LRB-1419 and
LRB-1422.

3 ***-0257/4.2* SECTION 2564.** 292.11 (9) (e) 1m. b. of the statutes is amended to
4 read:

5 292.11 (9) (e) 1m. b. The local governmental unit acquired the property from
6 a local governmental unit that ~~acquired~~ is exempt under this subdivision with
7 respect to the property under a method described in subd. 1m. a.

8 ***-0257/4.3* SECTION 2565.** 292.11 (9) (e) 1m. e. of the statutes is created to
9 read:

10 292.11 (9) (e) 1m. e. The local governmental unit acquired the property through
11 escheat.

12 ***-1419/2.2* SECTION 2566.** 292.11 (9) (e) 1m. f. of the statutes is created to read:

13 292.11 (9) (e) 1m. f. The local governmental unit acquired the property using
14 funds appropriated under s. 20.866 (2) (tz).

15 ***-0257/4.4* SECTION 2567.** 292.11 (9) (e) 1s. of the statutes is amended to read:

16 292.11 (9) (e) 1s. An Except as provided in subds. 2. and 4. to 6., an economic
17 development corporation described in section 501 (c) of the Internal Revenue Code,
18 as defined in s. 71.22 (4), that is exempt from federal taxation under section 501 (a)
19 of the Internal Revenue Code, or an entity wholly owned and operated by such a
20 corporation, is exempt from subs. (3), (4) and (7) (b) and (c) with respect to property
21 acquired before, on or after October 14, 1997, if the property is acquired to further
22 the economic development purposes that qualify the corporation as exempt from
23 federal taxation.

1 ***-1419/2.3* SECTION 2568.** 292.11 (9) (e) 3. of the statutes is repealed.

2 ***-0257/4.5* SECTION 2569.** 292.11 (9) (e) 5. c. of the statutes is repealed.

3 ***-0257/4.6* SECTION 2570.** 292.11 (9) (e) 6. of the statutes is created to read:

4 292.11 (9) (e) 6. Subdivisions 1m. and 1s. only apply if the local governmental
5 unit or the economic development corporation agrees to allow the department, any
6 authorized representatives of the department, any party that possessed or controlled
7 the hazardous substance or caused the discharge of the hazardous substance and any
8 consultant or contractor of such a party to enter the property to take action to respond
9 to the discharge.

10 ***-1419/2.4* SECTION 2571.** 292.11 (9) (e) 7. of the statutes is created to read:

11 292.11 (9) (e) 7. Subdivision 1m. does not apply to property described in subd.
12 1m. f. unless the local governmental unit enters into an agreement with the
13 department to ensure that the conditions in subds. 2. and 4. are satisfied.

 ***NOTE: This is reconciled s. 292.11 (9) (e) 7. This SECTION has been affected by
 drafts with the following LRB numbers: -0257 and -1419.

14 ***-1423/3.1* SECTION 2572.** 292.15 (1) (a) of the statutes is created to read:

15 292.15 (1) (a) "Enforcement standard" has the meaning given in s. 160.01 (2).

16 ***-1423/3.2* SECTION 2573.** 292.15 (1) (am) of the statutes is created to read:

17 292.15 (1) (am) "Natural attenuation" means the reduction in the mass and
18 concentration in groundwater of a substance, and the products into which the
19 substance breaks down, due to naturally occurring physical, chemical and biological
20 processes, without human intervention.

21 ***-0929/5.1* SECTION 2574.** 292.15 (1) (f) of the statutes is repealed and

22 recreated to read:

1 292.15 (1) (f) "Voluntary party" means a person who submits an application to
2 obtain an exemption under this section and pays any fees required under sub. (5).

3 ***-0614/3.1* SECTION 2575.** 292.15 (2) (a) (title) of the statutes is created to
4 read:

5 292.15 (2) (a) (title) *General.*

 ****NOTE: This is reconciled s. 292.15 (2) (a) (title). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

6 ***-0285/1.1* SECTION 2576.** 292.15 (2) (a) (intro.) of the statutes is amended to
7 read:

8 292.15 (2) (a) (intro.) Except as provided in sub. (6) or (7), a voluntary party is
9 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
10 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
11 promulgated under those provisions, with respect to ~~the existence~~ discharges of a
12 hazardous ~~substance~~ substances on the or originating from a property, if the release
13 of those hazardous substances occurred prior to the date on which the department
14 approves the environmental investigation of the property under subd. 1. and if all
15 of the following occur at any time before or after the date of acquisition:

 ****NOTE: This draft (LRB-0285/1) is reconciled with LRB-1422/P2. Both drafts
should continue to appear in the compiled bill.

16 ***-1422/1.1* SECTION 2577.** 292.15 (2) (a) 2. of the statutes is amended to read:

17 292.15 (2) (a) 2. Except as provided in sub. (4), the ~~property is cleaned up by~~
18 ~~restoring the environment~~ is restored to the extent practicable with respect to the
19 discharges and ~~minimizing the harmful effects from a discharge of the hazardous~~
20 ~~substance~~ the discharges are minimized in accordance with rules promulgated by the
21 department and any contract entered into under those rules.

22 ***-1422/1.2* SECTION 2578.** 292.15 (2) (a) 3. of the statutes is amended to read:

1 292.15 (2) (a) 3. The voluntary party obtains a certificate of completion from
2 the department that the ~~property~~ environment has been satisfactorily restored to the
3 extent practicable with respect to the discharges and that the harmful effects from
4 ~~a discharge of a hazardous substance~~ the discharges have been minimized.

5 ***-0614/3.2* SECTION 2579.** 292.15 (2) (a) 6. of the statutes is amended to read:

6 292.15 (2) (a) 6. The voluntary party has not obtained the ~~certification under~~
7 ~~subd. 3.~~ certificate of completion by fraud or misrepresentation, by the knowing
8 failure to disclose material information or under circumstances in which the
9 voluntary party knew or should have known about more discharges of hazardous
10 substances than were revealed by the investigation conducted under subd. 1.

11 ***-0929/5.2* SECTION 2580.** 292.15 (2) (a) 7. of the statutes is created to read:

12 292.15 (2) (a) 7. If required by the department, the voluntary party obtains and
13 maintains insurance to cover the costs of complying with s. 292.11 (3) in case it is
14 discovered, after the department issues a certificate of completion under subd. 3.,
15 that the cleanup under subd. 2. fails to fully restore the environment or to minimize
16 the effects from a discharge or that the hazardous substance that is the subject of the
17 cleanup is more extensive than known before the department issues the certificate
18 of completion, and the insurance complies with rules promulgated by the department
19 and names the voluntary party and this state as insureds.

 ****NOTE: This is reconciled s. 292.15 (2) (a) 7. This SECTION has been affected by
 drafts with the following LRB numbers: -0929 and -1422.

20 ***-1423/3.3* SECTION 2581.** 292.15 (2) (ae) of the statutes is created to read:

21 292.15 (2) (ae) *Natural attenuation.* Except as provided in sub. (6) or (7), if
22 there exists a hazardous substance in groundwater on a property in a concentration
23 that exceeds an enforcement standard and the department determines that natural

1 attenuation will restore groundwater quality in accordance with rules promulgated
2 by the department, a voluntary party is exempt from ss. 289.05 (1), (2), (3) and (4),
3 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c)
4 and 292.31 (8), and rules promulgated under those provisions, with respect to
5 discharges of hazardous substances on or originating from the property, if the release
6 of those hazardous substances occurred prior to the date on which the department
7 approves the environmental investigation of the property under subd. 1. and if all
8 of the following occur at any time before or after the date of acquisition:

9 1. An environmental investigation of the property is conducted that is approved
10 by the department.

11 2. The environment is restored to the extent practicable with respect to the
12 discharges and the harmful effects from the discharges are minimized in accordance
13 with rules promulgated by the department and any contract entered into under those
14 rules, except that this requirement does not apply with respect to the hazardous
15 substance in groundwater that the department has determined will be brought into
16 compliance with rules promulgated by the department through natural attenuation.

17 3. The voluntary party obtains a certificate of completion from the department
18 stating that the environment has been satisfactorily restored to the extent
19 practicable with respect to the discharges and that the harmful effects from the
20 discharges have been minimized, except with respect to the hazardous substance in
21 groundwater that the department has determined will be brought into compliance
22 with rules promulgated by the department through natural attenuation.

23 3m. If required by the department, the voluntary party obtains and maintains
24 insurance to cover the costs of complying with s. 292.11 (3) with respect to the
25 hazardous substance that the department has determined will be brought into

1 compliance with rules promulgated by the department through natural attenuation,
2 in case natural attenuation fails, and the insurance complies with rules promulgated
3 by the department and names the voluntary party and this state as insureds.

4 4. The voluntary party maintains and monitors the property as required under
5 rules promulgated by the department and any contract entered into under those
6 rules.

7 5. The voluntary party does not engage in activities that are inconsistent with
8 the maintenance of the property.

9 6. The voluntary party has not obtained the certification under subd. 3. by
10 fraud or misrepresentation, by the knowing failure to disclose material information
11 or under circumstances in which the voluntary party knew or should have known
12 about more discharges of hazardous substances than were revealed by the
13 investigation conducted under subd. 1.

****NOTE: This is reconciled s. 292.15 (2) (ae). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0285, LRB-1422 and LRB-1423.

14 ***-0614/3.3* SECTION 2582.** 292.15 (2) (ag) of the statutes is created to read:
15 292.15 (2) (ag) *Property affected by off-site discharge.* Except as provided in
16 sub. (6) or (7), for a property on which there exists a hazardous substance for which
17 a voluntary party is exempt from liability under s. 292.13 (1), a voluntary party is
18 exempt from the provisions of ss. 289.05 (1), (2), (3) and (4), 289.42 (1), 289.67, 291.25
19 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and (7) (b) and (c) and 292.31 (8), and rules
20 promulgated under those provisions, with respect to discharges of hazardous
21 substances on or originating from the property, if the release of those hazardous
22 substances occurred prior to the date on which the department approves the
23 environmental investigation of the property under par. (a) 1., if par. (a) 1. and 4. to

1 6. apply and all of the following occur at any time before or after the date of
2 acquisition:

3 1. The environment is restored to the extent practicable with respect to the
4 discharges and the harmful effects from the discharges are minimized in accordance
5 with rules promulgated by the department and any contract entered into under those
6 rules, except that this requirement does not apply with respect to the hazardous
7 substance for which the voluntary party is exempt from liability under s. 292.13 (1).

8 2. The voluntary party obtains a certificate of completion from the department
9 stating that the environment has been satisfactorily restored to the extent
10 practicable with respect to the discharges and that the harmful effects from the
11 discharges have been minimized, except with respect to the hazardous substance for
12 which the voluntary party is exempt from liability under s. 292.13 (1).

13 3. The voluntary party obtains a written determination from the department
14 under s. 292.13 (2) with respect to the hazardous substance for which the voluntary
15 party is exempt from liability under s 292.13 (1).

16 4. The voluntary party continues to satisfy the conditions under s. 292.13 (1)
17 (d) to (g).

****NOTE: This is reconciled s. 292.15 (2) (ag). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0285, LRB-0614 and LRB-1422.

18 *-0614/3.4* SECTION 2583. 292.15 (2) (am) (intro.) of the statutes is amended
19 to read:

20 292.15 (2) (am) Partial cleanup. (intro.) The department may approve a
21 partial cleanup and issue a certificate of completion as provided in par. (a), (ae) or (ag)
22 that states that not all of the property has been satisfactorily restored or that not all
23 of the harmful effects from a discharge of a hazardous substance have been

1 minimized. Approval of a partial cleanup exempts a voluntary party from ss. 291.37
2 (2) and 292.11 (3), (4) and (7) (b) and (c) with respect to the portion of the property
3 or hazardous substances cleaned up under this paragraph. In addition to meeting
4 the requirements of par. (a), (ae) or (ag), a certificate for a partial cleanup under this
5 paragraph may be issued only if:

****NOTE: This is reconciled s. 292.15 (2) (am) (intro.). This SECTION has been
affected by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

6 ***-0614/3.5* SECTION 2584.** 292.15 (2) (ar) (title) of the statutes is created to
7 read:

8 292.15 (2) (ar) (title) *Condition.*

****NOTE: This is reconciled s. 292.15 (2) (ar) (title). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

9 ***-0937/2.1* SECTION 2585.** 292.15 (2) (at) of the statutes is created to read:
10 292.15 (2) (at) *Discharges discovered after environmental investigations.*
11 Except as provided in sub. (6) or (7), a voluntary party is exempt from ss. 289.05 (1),
12 (2), (3) and (4), 289.42 (1), 289.67, 291.25 (1) to (5), 291.29, 291.37, 292.11 (3), (4) and
13 (7) (b) and (c) and 292.31 (8), and rules promulgated under those provisions, with
14 respect to a discharge of a hazardous substance on or originating from a property if
15 the discharge occurred before the environmental investigation under subd. 1. is
16 completed and is discovered after the environmental investigation under subd. 5. is
17 approved and if all of the following apply:

18 1. An initial environmental investigation of the property is conducted and is
19 approved by the department.

20 2. If required by the department, the voluntary party enters into an agreement
21 with the department under which the voluntary party agrees to conduct a cleanup
22 approved by the department.

1 3. The voluntary party obtains and maintains insurance to cover the costs of
2 complying with s. 292.11 (3) with respect to a hazardous substance discharges that
3 occurred before the investigation under subd. 1. is completed and that are discovered
4 in the course of conducting a cleanup of the property, the insurance complies with
5 rules promulgated by the department and the insurance names the voluntary party
6 and this state as insureds.

7 4. A hazardous substance discharge that occurred before the investigation
8 under subd. 1. is completed is discovered after the investigation under subd. 1. is
9 approved and before the cleanup is completed.

10 5. A 2nd environmental investigation of the property is conducted and is
11 approved by the department.

12 6. The voluntary party has not obtained approval of the investigation under
13 subd. 1. or 5. or the agreement under subd. 2. by fraud or misrepresentation, by the
14 knowing failure to disclose material information or under circumstances in which
15 the voluntary party knew or should have known about more discharges of hazardous
16 substances than were revealed by the investigation conducted under subd. 1. or 5.

✓ *get* ****NOTE: The existence of a title for s. 292.15 (2) (at) depends on LRB-1423 being
included in the bill. If LRB-1423 is not included, the title must be removed. ✓

17 *-0614/3.6* SECTION 2586. 292.15 (2) (b) of the statutes is amended to read:

18 292.15 (2) (b) Extent of exemptions. The exemptions provided in pars. (a), (ae),
19 (ag) and (am) continue to apply after the date of certification by the department
20 under par. (a) 3., (ae) 3. or (ag) 2., or approval by the department under par. (am),
21 notwithstanding the occurrence of any of the following:

1 1. Statutes, rules or regulations are created or amended that would impose
2 greater responsibilities on the voluntary party than those imposed under par. (a) 2.,
3 (ae) 2. or (ag) 1.

4 2. The voluntary party fully complies with the rules promulgated by the
5 department and any contract entered into under those rules under par. (a) 2., (ae) 2.
6 or (ag) 1. but it is discovered that the cleanup fails to fully restore the environment
7 and minimize the effects from a discharge of a hazardous substance.

8 3. The contamination from a hazardous substance that is the subject of the
9 cleanup under par. (a) 2., (ae) 2. or (ag) 1. is discovered to be more extensive than
10 anticipated by the voluntary party and the department.

****NOTE: This is reconciled s. 292.15 (2) (b). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0614 and LRB-1423.

11 *-0614/3.7* **SECTION 2587.** 292.15 (2) (c) (title) of the statutes is created to
12 read:

13 292.15 (2) (c) (title) *Prohibition on action.*

****NOTE: This is reconciled s. 292.15 (2) (c) (title). This SECTION has been affected
by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

14 *-0937/2.2* **SECTION 2588.** 292.15 (2) (c) of the statutes is amended to read:
15 292.15 (2) (c) The department of justice may not commence an action under 42
16 USC 9607 against any voluntary party meeting the criteria of this subsection to
17 recover costs for which the voluntary party is exempt under pars. (a), (ac), (ag), (am),
18 (at) and (b).

****NOTE: This is reconciled s. 292.15 (2) (c). This SECTION has been affected by
drafts with the following LRB numbers: -0614, -0937 and -1423.

19 *-0614/3.8* **SECTION 2589.** 292.15 (2) (d) (title) of the statutes is created to
20 read:

21 292.15 (2) (d) (title) *Exception.*

****NOTE: This is reconciled s. 292.15 (2) (d) (title). This SECTION has been affected by drafts with the following LRB numbers: LRB-0614 and LRB-1423.

1 ***-0929/5.3* SECTION 2590.** 292.15 (2) (e) of the statutes is created to read:
2 292.15 (2) (e) *Contract with insurer.* If the department requires insurance
3 under par. (a) 7. or (ae) 3m., the department may contract with an insurer to provide
4 insurance required under par. (a) 7. or (ae) 3m. and may require voluntary parties
5 to obtain coverage under the contract.

****NOTE: This is reconciled s. 292.15 (2) (e). This SECTION has been affected by drafts with the following LRB numbers: -0929, -1422 and -1423.

6 ***-0929/5.4* SECTION 2591.** 292.15 (3) of the statutes is amended to read:
7 292.15 (3) SUCCESSORS AND ASSIGNS. ~~The~~ An exemption provided in sub. (2)
8 applies to any successor or assignee of the voluntary party ~~who qualifies as a~~
9 ~~voluntary party and who~~ if the successor or assignee complies with the provisions of
10 sub. (2) (a) 4. and 5. ~~unless or (ae) 3m., 4. and 5. and, if applicable, sub. (2) (ag) 4. or~~
11 ~~(am) as though the successor or assignee were the voluntary party except that the~~
12 exemption in sub. (2) does not apply if the successor or assignee knows that a
13 certificate under sub. (2) (a) 3., ~~(ae) 3., (ag) 12.~~ or (am) was obtained by any of the
14 means or under any of the circumstances specified in sub. (2) (a) 6.

****NOTE: This is reconciled s. 292.15 (3). This SECTION has been affected by drafts with the following LRB numbers: -0614, -0929 and -1423.

15 ***-0257/4.7* SECTION 2592.** 292.15 (4) (intro.) of the statutes is amended to
16 read:
17 292.15 (4) LIMITED RESPONSIBILITY. (intro.) The responsibility of a voluntary
18 party under sub. (2) (a) 2. may be monetarily limited by agreement between the
19 voluntary party and the department if the voluntary party purchased the property
20 from a local governmental unit that acquired the property in a way or for a purpose

1 described in s. 292.11 (9) (e) 1m. ~~a., b., c. or d.~~ The agreement shall stipulate all of the
2 following:

3 ***-0929/5.5* SECTION 2593.** 292.15 (5m) of the statutes is repealed.

4 ***-1423/3.4* SECTION 2594.** 292.15 (6) of the statutes is renumbered 292.15 (6)
5 (a) and amended to read:

6 292.15 (6) (a) This section does not exempt property from any lien filed under
7 s. 292.81 (3) for costs incurred by the department prior to the date that certification
8 is issued under sub. (2) (a) 3., (ae) 3. or (ag) 2.

****NOTE: This is reconciled s. 292.15 (6) (a). This SECTION has been affected by
drafts with the following LRB numbers: LRB-0614, LRB-0937 and LRB-1423.

9 ***-0937/2.3* SECTION 2595.** 292.15 (6) (b) of the statutes is created to read:

10 292.15 (6) (b) This section does not exempt property from any lien filed under
11 s. 292.81 (3) for costs that are incurred by the department with respect to a hazardous
12 substance discharge described in sub. (2) (at) 3. and that are not covered by insurance
13 required by sub. (2) (at) 3.

14 ***-0256/1.1* SECTION 2596.** 292.21 (1) (c) 1. b. of the statutes is repealed.

15 ***-0256/1.2* SECTION 2597.** 292.21 (1) (c) 1. g. of the statutes is created to read:

16 292.21 (1) (c) 1. g. The lender agrees to allow the department, any authorized
17 representatives of the department, any party that possessed or controlled the
18 hazardous substance or caused the discharge of the hazardous substance and any
19 consultant or contractor of such a party to enter the real property to take action to
20 respond to the discharge.

21 ***-0256/1.3* SECTION 2598.** 292.21 (1) (c) 1. h. of the statutes is created to read:

1 292.21 (1) (c) 1. h. The lender agrees to avoid any interference with action
2 undertaken to respond to the discharge and to avoid actions that worsen the
3 discharge.

4 ***-0256/1.4*** **SECTION 2599.** 292.21 (1) (c) 1. i. of the statutes is created to read:

5 292.21 (1) (c) 1. i. The lender agrees to any other condition that the department
6 determines is reasonable and necessary to ensure that the department or other
7 person described in subd. 1. g. can adequately respond to the discharge.

8 ***-1419/2.5*** **SECTION 2600.** 292.24 of the statutes is created to read:

9 **292.24 Responsibility of local governmental units; hazardous waste.**

10 **(1) DEFINITION.** In this section, "local governmental unit" has the meaning given in
11 s. 292.11 (9) (e) 1.

12 **(2) EXEMPTION FROM LIABILITY.** Except as provided in sub. (3), a local
13 governmental unit is exempt from ss. 291.25 (1) to (5), 291.29 and 291.37, and rules
14 promulgated under those provisions, with respect to the existence of a hazardous
15 waste on property acquired in a way or for a purpose described in s. 292.11 (9) (e) 1m.,
16 if all of the following occur at any time before or after the date of acquisition:

17 (a) An environmental investigation of the property is conducted that is
18 approved by the department and that identifies any hazardous waste discharges
19 that occurred on the property.

20 (b) The hazardous waste discharges identified by the investigation under par.
21 (a) are cleaned up by restoring the environment to the extent practicable with respect
22 to the discharges and minimizing the harmful effects from the discharges in
23 accordance with rules promulgated by the department and any contract entered into
24 under those rules.

1 (c) The local governmental unit obtains a certificate of completion from the
2 department stating that the property has been satisfactorily restored to the extent
3 practicable with respect to the hazardous waste discharges and that the harmful
4 effects from the discharges have been minimized.

5 (d) The local governmental unit maintains and monitors the property as
6 required under rules promulgated by the department and any contract entered into
7 under those rules.

8 (e) The local governmental unit does not engage in activities that are
9 inconsistent with the maintenance of the property.

10 (f) The local governmental unit has not obtained the certification under par. (c)
11 by fraud or misrepresentation, by the knowing failure to disclose material
12 information or under circumstances in which the local governmental unit knew or
13 should have known about more discharges of hazardous waste than were revealed
14 by the investigation conducted under par. (a).

15 (g) The local governmental unit did not cause the discharge of any hazardous
16 waste identified on the property.

17 **(3) APPLICABILITY.** Subsection (2) does not apply to any of the following:

18 (a) A hazardous waste treatment, storage or disposal facility that first begins
19 operation after the date on which the local governmental unit acquired the property.

20 (b) A licensed hazardous waste treatment, storage or disposal facility operated
21 on the property before the date on which the local governmental unit acquired the
22 property and that is operated after the date on which the local governmental unit
23 acquired the property.

1 (c) Any hazardous waste disposal facility that has been issued a license under
2 s. 144.441 (2), 1995 stats., or s. 289.41 (1m), or rules promulgated under those
3 sections, for a period of long-term care following closure of the facility.

4 ***-1421/2.1* SECTION 2601.** 292.25 of the statutes is created to read:

5 **292.25 Report on impact of exemptions from liability.** (1) The
6 department shall biennially determine all of the following:

7 (a) The number of sites for which a person is seeking to qualify for an exemption
8 under s. 292.15.

9 (b) The number of sites for which a certificate of completion was issued under
10 s. 292.15.

11 (c) The number of sites for which a certificate of completion was issued under
12 s. 292.15 at which it is discovered that the cleanup failed or at which additional
13 hazardous substances are found after the certificate of completion was issued.

14 (d) The number of sites described in par. (b) at which the department has
15 determined that it is necessary to conduct remedial action using moneys from the
16 environmental fund and the estimated costs of performing that remedial action.

17 (e) The number of sites for which a claim was made against an insurance policy
18 required under s. 292.15.

19 (2) No later than September 15 of each even-numbered year, the department
20 shall submit a report describing its determinations under sub. (1) to the legislature
21 under s. 13.172 (2), to the governor and to the department of administration.

22 (3) The department may require a person to provide information necessary for
23 the department to make the determinations under sub. (1).

✓
Jut

****NOTE: Insurance policies may be required under LRB-0929, LRB-0937,
LRB-1423 and possibly other drafts. If all of the drafts requiring insurance under s.
292.15 are removed from the budget, this provision must be modified.

1 *–0958/1.1* SECTION 2602. 292.33 of the statutes is created to read:

2 **292.33 Local government cost recovery cause of action. (1) DEFINITION.**

3 In this section “local governmental unit” has the meaning given in s. 292.11 (9) (e)

4 1.

5 (2) CAUSE OF ACTION. Except as provided in sub. (6), a local governmental unit
6 may recover costs as provided in sub. (4) from a responsible person described in sub.
7 (3) if the costs are incurred in connection with a property acquired as provided in s.
8 292.11 (9) (e) 1m. on which a hazardous substance has been discharged.

9 (3) RESPONSIBLE PERSONS. (a) Except as provided in par. (b), a local
10 governmental unit may recover costs in an action under this section from any of the
11 following:

12 1. A person who, at the time that the local governmental unit acquired the
13 property, possessed or controlled the hazardous substance that was discharged on
14 the property.

15 2. A person who caused the discharge of the hazardous substance on the
16 property.

17 (b) A local governmental unit may not recover costs in an action under sub. (2)
18 from a person described in par. (a) if the person qualifies for an exemption under s.
19 292.11 (9) (e), 292.13, 292.15, 292.16, 292.19 or 292.21 with respect to the discharge
20 that is the subject of the action.

21 (4) RECOVERABLE COSTS. (a) Except as provided in par. (b), in an action under
22 this section a local governmental unit may recover the reasonable and necessary
23 costs that it incurs for all of the following:

24 1. Investigating environmental contamination on the property and planning
25 remedial activities described in subd. 2.

1 2. Conducting remedial activities to restore the property for its intended future
2 use.

3 3. Administering the activities under subds. 1. and 2. and bringing the action
4 under this section, including costs, disbursements, engineering fees and,
5 notwithstanding s. 814.04 (1), reasonable attorney fees.

6 (b) The costs determined under par. (a) shall be reduced by the fair market
7 value of the property after completion of the activities under par. (a) 2.

8 (c) Recoverable costs under this subsection may not be reduced by the amount
9 of any state or federal moneys received by the local governmental unit for any of the
10 activities under par. (a).

11 **(5) REPAYING STATE ASSISTANCE.** If a local governmental unit that recovers costs
12 under this section received money from this state, other than under s. 292.11 (7) or
13 292.31 (1), (3) or (7), for any of the activities under sub. (4) (a), the local governmental
14 unit shall reimburse to the state an amount that bears the same proportion to the
15 total amount recovered under this section as the amount received from the state,
16 other than under s. 292.11 (7) or 292.31 (1), (3) or (7), bears to the total costs under
17 sub. (4) (a) adjusted as provided in sub. (4) (b).

18 **(6) EXCEPTION.** A local governmental unit may not recover costs under this
19 section for remedial activities conducted on a property or portion of a property with
20 respect to a discharge after the department of natural resources, the department of
21 commerce or the department of agriculture, trade and consumer protection has
22 indicated that no further remedial activities are necessary on the property or portion
23 of the property with respect to the discharge.

1 (7) LIMITATION OF ACTION. An action under this section shall be commenced
2 within 6 years after the date that the local governmental unit completes the
3 activities under sub. (4) (a) 2. or be barred.

4 *-1670/1.1* SECTION 2603. 292.57 of the statutes is created to read:

5 **292.57 Database of properties on which groundwater standards are**
6 **exceeded.** (1) In this section, "groundwater standard" means an enforcement
7 standard, as defined in s. 160.01 (2), or a preventive action limit, as defined in s.
8 160.01 (6).

9 (2) (a) The department may promulgate a rule specifying a fee for placing
10 information concerning a property on which a groundwater standard is exceeded into
11 a database.

12 (b) Any moneys collected under this subsection shall be credited to the
13 appropriation account under s. 20.370 (2) (mi).

14 *-1490/2.2* SECTION 2604. 292.65 (1) (d) 9. of the statutes is created to read:


15 292.65 (1) (d) 9. A formal wear rental firm.

16 *-1484/2.1* SECTION 2605. 292.65 (1) (h) 3. of the statutes is created to read:

17 292.65 (1) (h) 3. A person who operated a dry cleaning facility that ceased
18 operating before October 14, 1997.

19 *-1484/2.2* SECTION 2606. 292.65 (1) (i) 1. of the statutes is renumbered
20 292.65 (1) (i) 1. (intro.) and amended to read:

21 292.65 (1) (i) 1. (intro.) A person who owns, or has possession or control of, a
22 ~~dry cleaning facility~~, or who receives or received direct or indirect consideration from
23 the operation of a ~~dry cleaning facility regardless of whether the dry cleaning facility~~
24 ~~remains in operation and regardless of whether the person owns or receives~~
25 ~~consideration at the time that environmental pollution occurs.~~ any of the following:



1 ***-1484/2.3* SECTION 2607.** 292.65 (1) (i) 1. a. of the statutes is created to read:
2 292.65 (1) (i) 1. a. A dry cleaning facility that is licensed under s. 77.9961 (2).

3 ***-1484/2.4* SECTION 2608.** 292.65 (1) (i) 1. b. of the statutes is created to read:
4 292.65 (1) (i) 1. b. A dry cleaning facility that has ceased operation but that,

5 if it ceased operation on or after October 14, 1997, was licensed under s. 77.9961 (2)
6 before it ceased operation.

7 ***-1484/2.5* SECTION 2609.** 292.65 (1) (i) 3. of the statutes is created to read:
8 292.65 (1) (i) 3. A person who owns the property on which one of the following

9 is located:

10 a. A dry cleaning facility that is licensed under s. 77.9961 (2).

11 b. A dry cleaning facility that has ceased operation but that was licensed under
12 s. 77.9961 (2) before it ceased operation.

13 ***-1482/1.1* SECTION 2610.** 292.65 (1) (L) of the statutes is amended to read:
14 292.65 (1) (L) "Service provider" means a consultant, testing laboratory,
15 monitoring well installer, soil boring contractor, other contractor, ~~lender~~ or any other
16 person who provides a product or service for which an application for reimbursement
17 has been or will be filed under this section, or a subcontractor of such a person.

18 ***-0433/1.1* SECTION 2611.** 292.65 (3) (am) 2. of the statutes is amended to
19 read:

20 292.65 (3) (am) 2. The department shall pay an award for immediate action
21 activities. ~~For the purposes of this subdivision, removal of contaminated soils and~~
22 ~~recovery of free dry cleaning solvent are not considered immediate action activities.~~

23 ***-0434/1.1* SECTION 2612.** 292.65 (3) (am) 3. of the statutes is repealed and
24 recreated to read:

1 292.65 (3) (am) 3. After paying awards for immediate action activities, the
2 department shall do the following with the remaining funds available for awards
3 under this section:

4 a. In the program year that begins on July 1, 1999, provide 75% to pay awards
5 for eligible costs incurred before October 14, 1997, and provide 25% to pay awards
6 for eligible costs incurred on or after October 14, 1997.

7 b. In the program year that begins on July 1, 2000, provide 50% to pay awards
8 for eligible costs incurred before October 14, 1997, and provide 50% to pay awards
9 for eligible costs incurred on or after October 14, 1997.

10 c. In the program year that begins on July 1, 2001, and every program year
11 thereafter, provide at least 70% as awards to pay eligible costs incurred on or after
12 October 14, 1997.

13 *-1483/1.1* **SECTION 2613.** 292.65 (4) (f) of the statutes is amended to read:

14 292.65 (4) (f) *Remedial action ~~plan~~ options report.* After completing the
15 investigation under par. (e) and before conducting remedial action activities, an
16 owner or operator shall prepare a remedial action ~~plan~~ options report, based on the
17 investigation under par. (e), that identifies specific remedial action activities
18 proposed to be conducted, except as provided in pars. (g) and (h).

19 *-1483/1.2* **SECTION 2614.** 292.65 (4) (g) of the statutes is amended to read:

20 292.65 (4) (g) *Immediate action.* An owner or operator is not required to
21 complete an investigation or prepare a remedial action ~~plan~~ options report before
22 conducting an immediate action activity if the department determines that an
23 immediate action is necessary.

24 *-1483/1.3* **SECTION 2615.** 292.65 (4) (h) of the statutes is amended to read:

1 292.65 (4) (h) *Interim remedial equipment.* An owner or operator may install
2 interim remedial equipment for which the owner or operator would be eligible for
3 reimbursement under s. 292.66 before completing a site investigation or remedial
4 action ~~plan~~ options report.

5 ***-1483/1.4*** **SECTION 2616.** 292.65 (4) (i) of the statutes is amended to read:

6 292.65 (4) (i) *Review of site investigation and remedial action ~~plan~~ options*
7 *report.* The department shall, at the request of an owner or operator, review the site
8 investigation results and the remedial action ~~plan~~ options report and advise the
9 owner or operator on the adequacy of the proposed remedial action activities in
10 meeting the requirements of this section. The department shall complete the review
11 of the site investigation and remedial action ~~plan~~ options report within 45 days. The
12 department shall also provide an estimate of when funding will be available to pay
13 an award for remedial action conducted in response to the dry cleaning solvent
14 discharge.

15 ***-1488/1.2*** **SECTION 2617.** 292.65 (4) (m) of the statutes is created to read:

16 292.65 (4) (m) *Notification of insurance claims and receipt of proceeds.* An
17 owner or operator shall notify the department of any insurance claim made to cover
18 eligible costs, the status of the claim, and, if the owner or operator has received any
19 insurance proceeds arising from the claim, the amount of the proceeds.

20 ***-1488/1.3*** **SECTION 2618.** 292.65 (4) (n) of the statutes is created to read:

21 292.65 (4) (n) *Notification of intent to file suit.* An owner or operator shall
22 notify the department of the owner's or operator's intent to file suit against an
23 insurance company for the purpose of recovering the proceeds of an insurance policy
24 intended to cover any eligible costs.

25 ***-1485/1.1*** **SECTION 2619.** 292.65 (6) of the statutes is repealed.

1 *-1483/1.5* SECTION 2620. 292.65 (7) (a) 3. of the statutes is amended to read:

2 292.65 (7) (a) 3. Preparation of remedial action ~~plans~~ options reports.

3 *-1482/1.2* SECTION 2621. 292.65 (7) (a) 16. of the statutes is repealed.

4 *-1482/1.3* SECTION 2622. 292.65 (7) (b) of the statutes is repealed.

5 *-1483/1.6* SECTION 2623. 292.65 (7) (c) 4. of the statutes is amended to read:

6 292.65 (7) (c) 4. Costs that the department determines to be unreasonable or
7 unnecessary to carry out the remedial action activities as specified in the remedial
8 action ~~plan~~ options report.

9 *-1482/1.4* SECTION 2624. 292.65 (7) (c) 6. of the statutes is created to read:

10 292.65 (7) (c) 6. Costs of financing eligible activities.

11 *-1483/1.7* SECTION 2625. 292.65 (8) (a) (intro.) and 2. of the statutes are
12 amended to read:

13 292.65 (8) (a) *Application.* (intro.) An owner or operator shall submit an
14 application on a form provided by the department. An owner or operator may not
15 submit an application before September 1, 1998. An owner or operator may not
16 submit an application after August 30, 2003, if the application relates to a dry
17 cleaning facility that ceased to operate before September 1, 1998. An owner or
18 operator may not submit an application after August 20, 2008, if the application
19 relates to any other dry cleaning facility. The department shall authorize owners and
20 operators to apply for awards at stages in the process under sub. (4) that the
21 department specifies by rule. An application shall include all of the following
22 documentation of activities, ~~plans~~ reports and expenditures associated with the
23 eligible costs incurred because of a dry cleaning solvent discharge from a dry cleaning
24 facility:

25 2. A remedial action ~~plan~~ options report.